



SINCE 1844

ROCKAWAY TOWNSHIP

POLICY AND PROCEDURE MANUAL

Effective March 1, 2004
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The Township of Rockaway is an Equal Opportunity Employer, M/F

The Township of Rockaway plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Township employee, you have certain rights and obligations. Federal and State law as well as Township policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. For example, the old adage "to the victors belong the spoils" in governmental hiring is now against the law and the old fashion garage or office "give and take" can no longer be condoned. Behaviors that were tolerated ten or twenty years ago are no longer acceptable.

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Township has a "no tolerance" policy towards workplace wrongdoing.

This Employee Handbook adopted by the Township Council of the Township of Rockaway discusses these issues and many other Township personnel policies. You are urged to read this handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Township personnel policy, contact your supervisor, or if you prefer, your Department Head, Business Administrator or the Administrative Assistant to the Business Administrator.

Neither this handbook nor any other Township document, confers any contractual right, either express or implied, to remain in the Township's employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Township Council of the Township of Rockaway.

All employees receiving this handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.

ROCKAWAY TOWNSHIP
PERSONNEL POLICY AND PROCEDURE MANUAL

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CHAPTER 1 – GENERAL INFORMATION

WELCOME

You are now one of the approximately 200 Township employees striving to provide more than 23,000 residents of the Township with quality services. The public attitude toward the government largely depends on your direct relationship with the residents of the community and the public at large. As a service organization, the Township is committed to a "customer friendly" policy in assisting any resident or member of the public in an efficient and effective manner. It is, therefore, absolutely essential that all employees conduct themselves professionally and provide courteous and prompt service.

DISCLAIMER STATEMENT

This Personnel Policy and Procedure Manual is intended to inform employees of the Township of Rockaway about the Township's existing policies and procedures. While the Township expects to abide by the policies and procedures described in this Manual, regardless of what the Manual states, this Manual does not constitute or contain a contract, nor promise of any kind. The Township reserves the right to substitute, modify, revoke, revise, terminate or change any or all policies and procedures described in this Manual, in whole or in part, at any time with or without prior notice.

Unless otherwise provided by Statute, Ordinance, individual contract or collective bargaining agreement, employees of the Township are "at-will employees", which means that they serve at the pleasure of the Township, subject to those restrictions imposed by law. Subject to applicable Department of Personnel Regulations and collective bargaining agreements, both the Township and its employees retain the right to terminate the employment relationship at any time, and for any reason, with or without prior notice or warning. Further, no Township representative, other than the Mayor, with the approval of the Township Council, has either the power or the authority to enter into any agreement for employment for any specified length of time, or to make any representations or agreements contrary to the foregoing, unless that agreement is in writing signed by the Mayor.

INTRODUCTION AND PURPOSE OF THE MANUAL

This Manual was developed to describe some of the guidelines for our employees and to outline the policies, programs, and benefits available to eligible employees. Any specific questions should be referred to your supervisor with the contents of the Manual as soon as possible, for it will answer many questions about employment with the Township.

This Manual is provided to all new and current employees of the Township. Every new employee will receive a copy of this Manual when he or she commences employment with the Township. Each current and new employee will be required to sign a form acknowledging receipt of the Manual. By the Acknowledgement Form, current and new employees also acknowledge that they have read the Disclaimer Statement on the first page of this Manual, and that they understand the meaning of the Disclaimer Statement.

The provisions of this Manual shall apply to Township officials, where applicable, classified employees, and unclassified employees. For employees who are covered by collective bargaining agreements with the Township, this Manual shall apply consistent with the terms of the collective bargaining agreement. In the event of conflict, the terms of the collective bargaining agreement shall govern.

Adopted Ordinances of the Township, Statutes of the State of New Jersey and the resulting rules and regulations, binding contracts formally approved by the governing body, and federal statutes or regulations shall take precedence over all policies established in this Manual in the event of any conflict.

The Policies and Procedures stated in this Manual are not intended to abrogate, supersede or conflict with Court Rulings formulated by the New Jersey and United States Courts, the various contracts negotiated on behalf of the Township of Rockaway Employees or Department of Personnel (Civil Service) Rules and Regulations, as specifically applicable. Volunteers are subject to the following sections of this Manual: Code of Ethics, non-discrimination policies, anti-harassment policies. Volunteers shall also be expected to adhere to all operating procedures applicable to their departments, divisions, or appointed functions.

GENERAL PERSONNEL POLICY

It is the policy of the Township of Rockaway to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters and the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Township Council or the Township of Rockaway Business Administrator. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Council of the Township of Rockaway as well as the necessary budget appropriation and salary ordinance. The Authorized Business Administrator and all supervisory personnel are and responsible for personnel policies and procedures. The Township Council of Township of Rockaway has appointed the Administrative Assistant to the Business Administrator to assist the Administrator to implement personnel practices. The Administrator and Administrative Assistant to the Business Administrator shall also have access to the Labor Attorney appointed by the Township Council of the Township of Rockaway for guidance in personnel matters.

As a general principle, the Township has a "no tolerance" policy towards workplace wrongdoing. Township officials, employees and independent contractors are to report anything perceived to be improper. The Township believes strongly in an Open Door Policy

and encourages employees to talk with their supervisor, Department Head, Business Administrator, or the Administrative Assistant to the Business Administrator concerning problem.

This Policy and Procedure Manual adopted by the Township Council is intended to provide guidelines covering public service by Township employees and is not a contract. This Manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Township personnel. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township.

To the maximum extent permitted by law, the employment practice of the Township shall operate under the legal doctrine known, as "employment at will" Within Federal and State law, including the New Jersey Civil Service Act and any applicable bargaining unit agreement , the Township shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

HISTORY OF THE TOWNSHIP

The Township of Rockaway was formed in 1844, when Morris County divided some of its larger townships. Rockaway Township is so named from an Indian or Dutch word meaning "the place of sands". Its history, however, began in the early 18th century as one of the oldest mining areas in the United States.

The Mount Hope and Mount Pleasant sections of the Township were first settled and mined during the Revolutionary War, when Morris County was the principal iron smelting center in the country. The district was among the first in America to actively work and mine iron ore. From the second half of the 18th century to World War II, mining was the only economic resource of the Township and the impetus responsible for its development prior to the 20th century.

The Rockaway Township governing body of a Mayor and an elected nine member Council. The Mayor is elected for a four term by the entire Township as the Chief Executive Officer, the Mayor is responsible for overall government administration. The Mayor and Council serve on a part-time basis. The Township Charter provides for a Mayoral appointment of a municipal administrator to supervise the daily operations of the Township.

RESPONSIBILITY FOR DEVELOPMENT AND IMPLEMENTATION OF MANUAL

The Township's Business Administrator shall be responsible for:

- A. Coordinating the preparation of policies and procedures;
- B. Obtaining required approvals by the Mayor and Council, as necessary, for adoption of personnel policies and procedures;
- C. Authorizing distribution of approved policies and procedures to Department Heads and employees;
- D. Overseeing the implementation of approved policies and procedures;
- E. Reviewing and updating the Personnel Policy and Procedure Manual to coincide with terms of employee contracts;
- F. Formulation of personnel policies and procedures;
- G. Coordination of the implementation of existing policies and procedures with Department Heads.

All Department Heads shall be responsible for:

- A. Implementing existing policies and procedures within their respective departments;
- B. Participating in the formulation or modification of policies and procedures through written recommendations and suggestions to the Township Administrator;
- C. Maintaining all policy and procedure directives and revisions in the binder provided;
- D. Insuring that the Policy and Procedure Manual is available to all Departmental employees and that they are familiar with its contents.

MANAGEMENT RIGHTS

The Township of Rockaway hereby retains and reserves unto itself all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the Laws and Constitution of the State of New Jersey and of the United States including, but not limited to, the following rights:

- A. To manage and control the affairs of the Township of Rockaway and its properties and facilities, the operation of its departments and the activities of its employees;
- B. To hire all employees and, subject to the provisions of Law, to determine their qualifications, to standards of performance, conditions for continued employment or assignment and to promote and transfer employees;
- C. To layoff, suspend, demote, discharge or other disciplinary action for good and just cause according to Law
- D. To promulgate Rules, Regulations, Policies and Procedures to effect the orderly and efficient administration of the Personnel Management System of the Township of Rockaway.
- E. To establish standards and criteria of employee performance.

CODE OF ETHICS

All Officials, Employees and Volunteers of the Township of Rockaway shall engage in ethical conduct and shall avoid conflicts of interest which are prejudicial and material and which erode the principles of democratic government.

CONFLICT OF INTEREST POLICY*

Employees including Township officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Township. Violations of this policy will result in appropriate discipline including termination.

The Township recognizes the right of employees to engage in outside activities that are of a private nature and unrelated to Township business. However, business dealings that appear to create a conflict between the employee and the Township's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Township Clerk a state mandated disclosure form. The Township Clerk will notify employees and Township officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee including a Township official is in a position to influence a Township decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Township may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Township responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in the outside employment activities. The Business Administrator may request employees to restrict outside employment if the quality of Township work diminishes. Any employee who holds an interest in, or is employed by, any business doing business with the Township must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township duties. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Township or any person or firm seeking to influence Township decisions. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy. [See Chapter 1, "Code of Ethics", Section A.6. in the Rockaway Township Policy & Procedure Manual.]

VIOLATIONS

1. Any Official, Employee or Volunteer who violates any provision of this Section relating to Conflicts of Interest, upon a finding of Guilty, shall be subject to removal from Office or employment.
2. Any Official, Employee or Volunteer who shall knowingly and willingly permit any provisions of this Section to be violated by any of his/her subordinates shall also, if found Guilty, be subject to removal.

STATUTORY REQUIREMENTS AND PROHIBITIONS:

All officers and employees of the Township shall comply with the following statutory requirements and prohibitions:

1. **Political Activity.** No Township Official or Employee shall directly or indirectly use or seek to use his authority or official influence to control or modify the political action of another person; nor shall any paid officer or employee, during the hours of duty, engage in any political activity. Nothing in this section shall be construed to prevent an elective officer from campaigning at any time.
2. **Interest in Contracts or Jobs Forbidden.** No Township Official or Employee shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, to be furnished or performed for this Township. (N.J.S.A. 40:69A-163).
3. **Acceptance of Free Services Forbidden.** No Township Official or Employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of this Township, any business or service upon terms more favorable than is granted to the public generally. (N.J.S.A. 40:69A-164).
4. **Promise of Office or Employment Forbidden.** No candidate for office, appointment or employment, and no Official, appointee or Employee in the Township shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed. (N.J.S.A. 40:69A165).
5. **Forfeit of Office for Violation.** Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any Township office, position or employment in this Township and upon conviction thereof while in office shall forfeit his office; provided, however, any person convicted of such an offense other than a high misdemeanor who has achieved a degree of rehabilitation which in the opinion of the appointing authority indicates that his employment would not be incompatible with the welfare of society and the aims and objectives of the governmental agency, may be considered eligible to apply for employment or be continued in employment. Any person who shall violate any of the provisions of this subsection shall, upon conviction thereof in a court of competent jurisdiction, forfeit his office. (N.J.S.A. 40:69A-166).

POLITICAL ACTIVITY *

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Township time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Business Administrator, Administrative Assistant to the Business Administrator.

It shall be declared policy of the Township that the employment of Employees shall be without regard to political consideration. Further, no Employee shall be removed, discharged, reduced in pay or position, or otherwise discriminated against because of political opinions or affiliation, subject to the following conditions:

1. Employees shall not directly or indirectly seek to use their authority and/ or influence of their position, to control, modify or affect the political action of other people.
2. Employees shall not engage in political activity during their hours of duty.

EMPLOYEE EVALUATION POLICY:*

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) are to be forwarded to the Business Administrator for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Business Administrator.

CONFIDENTIALITY

Some of the business conducted by the Township, such as litigation and specific personnel issues, are of a proprietary, sensitive and/or confidential nature. It is therefore essential that Township employees not discuss such issues outside of work.

CHAPTER 2 – EMPLOYMENT

DEFINITIONS

The following words and terms, when used in this Manual, have the following meanings, unless the context clearly indicates otherwise:

Absence: means the failure of an employee to report during the hours he/she is scheduled to work

Appointment: means the offer and acceptance of a position on either a regular or temporary basis.

Appointing Authority: in accordance with Department of Personnel Regulations, the Township Business Administrator shall be considered the Appointing Authority.

Career: means those positions and job titles subject to the tenure service provisions of Title 11A, New Jersey Statutes.

Conviction: means a finding of guilt, including a plea of nolo contendere (“no contest”) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal or State criminal statutes.

Employee: means all non-elected individuals who are employed by the Township in any department and/or office thereof, whether full or part-time.

Employment Benefits: means all benefits and policies provided or made available to employees by the Township, and include group life insurance, sick leave, vacation leave, pensions and others as described in this Manual.

Excused Absence: occurs when an employee notifies his/her immediate supervisor or designated contact of an absence for an acceptable reason such as illness, personal or family emergency as defined by contract or by this Manual.

Full Time Employee: means a provisional or permanent employee appointed to a regular Township of Rockaway position whose regular hours of duty are the normal work week for the department to which he or she is assigned.

Leave of Absence: means any amount of time an employee is absent from his/her scheduled job, including time off for vacation, sick, personal, jury duty, military service, bereavement, disability, and other absences as described in this Manual. Leaves of absence may be with or without pay, as more specifically defined by this Manual or by labor contract.

Officials: refers to elected and appointed officials of the Township of Rockaway.

Part Time Employee: means an employee whose regular hours of duty are less than the regular and normal work week for that job title or agency.

Per Diem Employee: means an employee who has no regular hours of work, whether full time or part time, who works on an as-needed basis, and who has the right to decline work offered to them by the Township. Per diem employees shall not be entitled to any benefits other than wages.

Permanent Employee: means an employee in the career service who has acquired the tenure and rights resulting from regular appointment and successful completion of the working test period.

Probationary Employee: means an employee whose permanent status is pending satisfactory completion of the Probationary Period.

Probationary Period: means a part of the testing process which consists of a trial working period after regular appointment, during which time the work performance and conduct of the appointee is evaluated to determine if he/she shall merit permanent appointment.

Provisional Appointment: means the employment in the competitive division of the career service pending the appointment of a person from an eligible list.

Regular Appointment: means the employment of a person to fill a position in the competitive division of the career service upon examination and certification, or the employment of a person to a position in the noncompetitive division of the career service.

Temporary Employee: means an employee hired for a period of limited duration not to exceed an aggregate of four (4) months in a twelve (12) month period. Temporary employees are not eligible for benefits.

Unclassified Position: means a full or part-time budgeted position not subject to the provisions of the Civil Service Law or Department of Personnel Regulations.

Unexcused Absence: means an employee's failure to notify the Township of an absence prior to the employee's scheduled work time, or an employee's decision to be absent even though permission was not granted when requested ahead of time.

Volunteer: means an individual who offers his or her services to the Township, which services are accepted without compensation. The Township reserves the right to remove volunteers at will at all times.

Workplace: means the physical area of operations of a department or agency, whether owned or leased by the Township, including buildings, grounds and parking facilities in connection therewith. It includes any field location or site at which an employee performs, or is authorized to perform, work activity and includes any travel between such sites.

Working Test Period: means a part of the examination process after regular appointment during which time the work performance and conduct of the employee is evaluated to determine if permanent status is merited.

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT Anti-Discrimination Policy*

The Township is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Township discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Business Administrator, or the Executive Assistant to the Business Administrator.

ACCOMMODATION OF DISABILITIES

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Township does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Township will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Township to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and (LAD). We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Township.

The Business Administrator shall engage in an interactive dialogue with disabled employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Business Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans

with Disabilities Act does not require the Township to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Township facilities. Any questions concerning proper assistance should be directed to Business Administrator.

GENERAL ANTI-HARASSMENT POLICY*

It is the Township's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), service in the United States armed forces, gender identity or expression, pregnancy (including pregnancy related medical condition), childbirth, and/or any other characteristic protected by law. Harassment is severe or pervasive conduct that is unwelcome, that occurs because of the individual's legally protected characteristics, and that is so objectively offensive as to alter employment conditions either by creating an intimidating hostile or offensive work environment or by resulting in an adverse employment action.

If an employee witnesses, or believes that he/she has experienced harassment, the employee should immediately notify his/her Supervisor or other appropriate person. See the Employee Complaint Policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to his/her Supervisor or other appropriate person as set forth in the Employee Complaint Policy. Harassment of non-employees by Township employees is also prohibited under this policy.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. The Township cannot resolve a harassment problem unless it knows about it and unless the employee cooperates with the Township's investigatory and remedial efforts. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. The Township cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring all incidents of harassment to the attention of the appropriate officials so that steps are taken to correct them.

If it is determined that an employee has engaged in discrimination or harassment in violation of the Township's policies, corrective action will be taken, ranging from verbal or written warnings, up to and including dismissal.

In situations where the facts may be unclear or the degree of culpability does not require

disciplinary measures, appropriate action nonetheless may be taken to ensure that the Township's policies in this regard are followed.

In the case of discrimination or harassment of or by a customer, consultant, temporary employee or vendor, appropriate corrective action will be taken.

NON-RETALIATION POLICY

The Township prohibits any form of retaliation against any employee for filing a complaint under its General Anti-Harassment Policy or for assisting in an investigation of a complaint.

No employee shall discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of his or her employment because such employee has made a report under this General Anti-Harassment Policy or participated in any way in an investigation proceeding or hearing of an equal employment opportunity complaint.

In the event that an employee believes that he or she has been subjected to retaliation, the employee must immediately report the matter to his or her Supervisor or other appropriate person as set forth in the Employee Complaint Policy. See Employee Complaint Policy.

Any Township Supervisor or manager who received a report or a complaint of retaliation, or who learns that conduct of the nature prohibited by the Township's Anti-Harassment and Non-Discrimination policies may be occurring, must report that offense immediately to upper management. Any Supervisor or manager not complying with this policy will be subject to disciplinary action, up to and including dismissal.

Complaints of retaliation will be investigated promptly, appropriately and as discreetly as possible. Any act of retaliation may result in disciplinary action up to and including dismissal.

CONTAGIOUS OR LIFE THREATENING ILLNESSES POLICY*

The Township encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Township shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township.

The Township will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and

program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.

- Information may be disclosed to the Department of Health as required by State or Federal law.
- First Aid and safety personnel may be informed of employee medical information, when appropriate, if the employee's disability may require emergency treatment.
- Supervisors and managers may be informed regarding necessary restrictions on work, and of reasonable accommodation.

Medical information shall be collected and maintained on separate forms and in separate medical files. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

WHISTLEBLOWER POLICY*

Employees have the right under the Conscientious Employee Protection Act [CEPA] to complain about any activity, policy or practice that the employees reasonably believe is in violation of the law, rule, or regulation promulgated pursuant to law. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Township of Rockaway shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Business Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et. seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Township. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. [See Employee Complaint Policy.]

Under the law, the employee must give the Township a reasonable opportunity to correct the activity, policy or practice. The administration of whistleblower complaints is not subject to the limitations in the Grievance Policy.

WORKPLACE VIOLENCE POLICY *

The Township will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Township property, at Township events or under other circumstances that may negatively affect the Township's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Township property or while on Township business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Township will actively intervene in any potentially hostile or violent situation.

GENERAL ANTI-HARASSMENT POLICY*

It is the Township's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment is severe or pervasive conduct that is unwelcome, that occurs because of the individual's legally protected characteristics, and that is so objectively offensive as to alter employment conditions either by creating an intimidating hostile or offensive work environment or by resulting in an adverse employment action.

If an employee witnesses, or believes that he/she has experienced harassment, the employee should immediately notify his/her supervisor or other appropriate person. See the Employee Complaint Policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to his/her supervisor or other appropriate person as set forth in the Employee Complaint Policy. Harassment of non-employees by Township employees is also prohibited under this policy. Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. The Township cannot resolve a harassment problem unless it knows about it and unless the employee cooperates with the Township's investigatory and remedial efforts. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. The Township cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring all incidents of harassment to the attention of the appropriate officials so that steps are taken to correct them.

If it is determined that an employee has engaged in discrimination or harassment in violation of the Township's policies, corrective action will be taken, ranging from verbal or written warnings, up to and including dismissal.

In situations where the facts may be unclear or the degree of culpability does not require disciplinary measures, appropriate action nonetheless may be taken to ensure that the Township's policies in this regard are followed. In the case of discrimination or harassment of or by a customer, consultant, temporary employee or vendor, appropriate corrective action will be taken.

ANTI-SEXUAL HARASSMENT POLICY *

It is the Township's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township prohibits sexual harassment from occurring in the workplace or at any other location at which Township sponsored activity takes place. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations; and/ or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy.

Harassment of Township employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. The Township cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge. There will be no adverse action taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

EMPLOYEE COMPLAINT POLICY *

Employees who wish to complain of harassment, sexual harassment, or any other workplace wrongdoing are requested to immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Business Administrator, or the Administrative Assistant to the Business Administrator. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint in good faith. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/ or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The employee will be notified of a decision or of the status of the investigation within a reasonable time from the date of the report an incident.

DEPARTMENT OF PERSONNEL REGULATIONS

The Township of Rockaway is under the jurisdiction of Title 4A of the New Jersey Administrative Code. Employees are subject to the Rules and Regulations of the New Jersey Department of Personnel. These Rules are prescribed for the purpose of:

1. Implementing Statutory provisions;
2. Assuring the continuance of the Merit System;
3. Providing a modern Personnel System;
4. Promoting efficiency in the conduct of Public business and assuring fair and impartial treatment for all applicants for employment and all employees in the Classified Service.

Contact Administration or your union official (where applicable) for copies of applicable regulations.

RECRUITMENT

Recruitment activities will be conducted in accordance with all applicable law. The Administrator shall have recruitment responsibility.

1. A Requisition for Personnel (either for new, additional or replacement employees) is submitted by the Department Head to the Business Administrator and to the Chief Financial Officer.
2. Following receipt by the Business Administrator of the copy of the Requisition for Personnel, routed through the finance department (which attests to the availability of funds), the personnel action will be acted upon.
3. Upon approval of the position, contact is made with the local branch of the State Department of Personnel for a promulgated List of Eligibles for appointment to determine if one exists. If a list exists, a certification is requested.

4. If there is no existing list, a check of the Personnel Division's application file is made for eligible applicants. Additionally, a notice is posted on a bulletin board in all municipal buildings as follows: Municipal Building, Public Works Garage, Police Department. The notice will be designed to advise presently employed persons of the possibility of their being considered for appointment to any vacant position. These notices shall be placed in all of the above locations for a period not less than five (5) days.
5. Employees and non-employees wishing to apply for an existing job vacancy shall make application directly to the Business Administrator. Non-competitive positions shall be recruited in accordance with the Codes of the Township of Rockaway.

ORIENTATION

All new employees of the Township shall participate in an orientation of the municipal organization, arranged by the Administrator with the appropriate Department Head.

Orientation of new employees shall include, whenever and as practicable:

1. Tour of the appropriate municipal facilities in order to acquaint the employee with the numerous functions of the municipality and the relationship of his/her specific job within the governmental structure.
2. Explanation of fringe benefits (health, dental, pension, life insurance).
3. Review of all ordinances applicable to the employee's position.
4. On the job safety requirements where applicable.
5. Completion of all necessary personnel/payroll forms.
6. Review of pertinent parts of the Policy and Procedure Manual.

PRE-EMPLOYMENT INTERVIEW & PHYSICAL EXAMINATION

Pre-employment interviews will be conducted in a non-discriminatory manner.

1. Pre-employment Interviews: An applicant's initial interview shall be with the appropriate Department/Division Head or a designee. Upon the selection of suitable candidates, the Department/ Division Head will make recommendations to the Township Business Administrator who will then conduct the final interviews.
2. Physical examinations, where required, shall be conducted in accordance with the requirements of the Americans with Disabilities Act.
3. Pre-employment drug and alcohol testing may be required for certain jobs/positions.

CERTIFICATION OF ELIGIBLES FOR APPOINTMENT

It is the responsibility of all Department Heads and Supervisors to cooperate with the Department of Administration in the disposition of Certification of Eligibles for employment by the Township of Rockaway.

All appointments shall be in accordance with Civil Service regulations.

JOB DESCRIPTION POLICY *

A job description including qualifications shall be maintained for each position pursuant to New Jersey Department of Personnel guidelines if the position is subject to Civil Service.

All job descriptions must be approved by the Business Administrator. The Administrative Assistant to the Business Administrator will make copies available upon request.

PROVISIONAL AND PERMANENT STATUS

PROVISIONAL STATUS: Pending the establishment of an appropriate Eligible List, the Appointing Authority may authorize the filling of a vacant position by provisional appointment. Such appointment shall continue only until an appropriate Eligible List is established or until certification and appointment is made from an existing list. Provisional employees may be removed at any time, subject to applicable union contracts.

PERMANENT STATUS: Permanent employees are those who have passed an Open Competitive Examination or Promotional Examination or whose status have been made permanent through other Department of Personnel procedures, and have received Certification for a particular title, have been appointed to that title, and have satisfactorily completed the working test period.

WORKING TEST PERIOD

Prior to obtaining permanent status, all employees must serve a Probationary Period of three (3) months. If the appointing authority finds the employee's performance unsatisfactorily during this working test period, the employee may be dismissed.

Police Officers serve a working test period of one (1) year and must successfully complete the requirements of the Police Academy.

EDUCATION AND EXPERIENTIAL QUALIFICATIONS

Employees of the Township of Rockaway must have the educational and experiential qualifications in accordance with Department of Personnel requirements for the positions they hold or for the promotion they seek.

Unclassified Employees must hold Educational Degrees or Certifications as required by Municipal, County or State Law for the positions they seek, as well as job-related experience to support their appointment.

NEPOTISM

- A. No member of a family shall be in a position that provides direct supervision over another member of the same family. This precludes the acceptance of application for employment from relatives for positions in the same department where supervision conflicts exist, or through promotion potential, could exist.
- B. When in the normal selection process, relatives of Township of Rockaway employees are considered for appointment or promotion, the selection will be deferred to the Office of the Business Administrator for final certification. Relatives for the purpose of this Policy, include all members of the immediate family, including husband, wife, parents, step-parents, brothers, sisters, direct-line aunts and uncles, children, grandparents, grandchildren and in-laws by reason of relation to any of the above. Aunts, uncles, nephews or nieces, by marriage, and cousins are not regarded as members of the immediate family for the purpose of this Policy.
- C. This policy is not for the purpose of depriving any citizen of an equal chance for government employment but is solely to eliminate the potential for preferential treatment of the relatives of government personnel.

This Policy will not deprive any present employee of any promotional right in normal career development nor change the existing status of any employee. This policy does not supersede contractual agreements, NJDOP and/ or Civil Service regulations.

HOURS OF WORK

The official business hours of the Township of Rockaway are 8:30 a.m. to 4:30 p.m. Monday through Friday. Individual work hours may vary according to the needs of the particular department and in accordance with negotiated agreements. Unless otherwise specified by union contracts, work hours shall be set by the Business Administrator.

INTER AND INTRA-DEPARTMENTAL TRANSFERS

Transfer is the assignment of an employee to a different position in the same grade level at the same pay and may either be voluntary or involuntary, and where applicable, is subject to the provisions of N.J.A.C. 4A:4-7.1.

The services of an employee who is transferred or reassigned to another department or division, within the Township of Rockaway service, will be considered continuous for the purpose of Seniority and Benefits.

1. INTER-DEPARTMENTAL TRANSFER - If an employee is interested in a transfer between departments, it is required that the approval of both Department Heads involved be obtained before any consideration will be given to this request by the Business Administrator.
2. INTRA-DEPARTMENTAL TRANSFER - to transfer an employee to another classification, other than that which he/ she now holds in the department, requires the approval of the Department Head and the Business Administrator.

RECLASSIFICATION

Reclassification is the change of an individual position from one class to a different class in the same division of the classified service. Reclassification is the result of a re-evaluation of a position to correct an error or to recognize a change in the duties and responsibilities of a position and results in a change in the grade designation of the position.

It is the Policy of the Township of Rockaway that the Business Administrator shall review and recommend reallocation of any classification from grade scale to another grade scale whenever a change in duties and responsibilities of such position makes the grade scale to which the position was previously allocated no longer applicable. Any proposed re-allocation shall be made with the knowledge of the employee concerned and of his or her Department Head.

PROMOTIONS

The Promotional Policy of the Township of Rockaway is in accordance with the merit principle and Title 4A of N.J.A.C. All promotions shall be in accordance with Civil Service regulations.

RETURNING TO WORK FOLLOWING SICKNESS, ACCIDENT OR INJURY

An employee returning from an absence due to sickness, accident or injury for a period of five (5) or more consecutive work days, shall be required to submit a medical certificate from a physician. The certificate shall state the nature of the sickness, accident or injury and shall certify that the employee is capable of performing his/her normal employment activities and that his/her return will not jeopardize the health of other employees.

The Township may require that an employee additionally be examined, at the expense of the Township, by a Township designated physician to establish the employee's ability to return to work, when such an examination is job-related and consistent with business necessity.

1. Prior to return from sick leave exceeding five (5) or more consecutive work days, an employee shall present a medical certificate to the Department Head.
2. The Department Head will promptly transmit the medical certificate to the Business Administrator.
3. All such certificates shall be kept confidential.

OUTSIDE EMPLOYMENT

Full-time employees of the Township of Rockaway may engage in outside employment if:

1. they maintain the Township of Rockaway as their primary employer; and
2. such employment does not conflict with their duties or their position as an employee of the Township (see Code of Ethics).

Members of the Police Department must request permission from the Police Chief prior to engaging in any outside business or employment.

PERSONNEL RECORDS - CONFIDENTIAL NATURE and REVIEW BY EMPLOYEE

The Department of Administration will maintain adequate personnel records for each employee of the Township of Rockaway. These records shall include: dates of appointments and promotions; job titles; salaries; commendations; performance evaluations; disciplinary actions; amounts of leave accrued and used; and a record of the employee's training and other related matters.

These records are considered to be of a confidential nature and are available only to the employee, or to his/her Department Head or other of the Township on a need-to-know basis in connection with their official duties. Employees are entitled to review the contents of their personnel folder but not that of other employees. Certain information may also be provided to the Department of Personnel, as required by law.

Employees wishing to see their personnel folder must call the Administrator for an appointment, in advance. Any such review of personnel folders by the employee will be done in the presence of an authorized member of the Office of the Administrator. Employees will not be permitted to take personnel folders outside of the Office of the Administrator nor to remove documents from this folder.

PERSONNEL RECORDS- CHANGING VITAL INFORMATION

It is the responsibility of each employee to notify promptly the Business Administrator of any changes of the vital information listed below:

Name

Address

Telephone Number

Marital Status

Dependent Children

Deductions to be included on W-4 Forms Change in status for Health Care Programs

Change of Beneficiary on Life Insurance Policies

Changes may be accomplished by sending written notice to the Business Administrator. When necessary, the employee will be provided with the proper forms to change beneficiary, income tax deduction, etc., by the Administrator and/ or the Township Clerk's office.

PERSONNEL ACTION REQUESTS

To establish a uniform procedure by which a department shall notify the Department of Administration of requested personnel action to be taken on behalf of one or more of its employees.

Personnel action requests will include, but are not limited to, one of the following categories:

- New employees
- Certifications from Department of Personnel to make employees permanent
- Noncompetitive positions - successful completion of the three (3) month Probationary Period
- Promotional Procedure
- Position assignment – budget code change – involving Federal and State Grants
- Employee transfer to another department
- Employee transfer within department
- Suspensions
- Demotions
- Leave of Absence with pay
- of Absence without pay
- Leave of Absence- Family & Medical leave
- Leave of Absence - extension
- Return from leave
- Salary adjustment
- Termination of employment
- Resigned – good standing
- Resigned – not good standing
- Deceased
- Retirements
- Dismissals
- Lay-offs
- Release at end working test period
- New Positions
- Reclassification
- Title Change
- Position upgrade/downgrade
- Position reclassification
- Position creation/ abolishment
- Recruiting assistance
- Other - specify

1. A Department Head will advise the Business Administrator, in writing, with regard to any personnel action request. Where a designated form has been supplied for the use of the departments, said form is to be completely filled out and filed with the Business Administrator.
2. The Business Administrator will notify the Department of Finance and the requesting Department Head of all approved personnel actions and their effective dates.
3. When necessary, the Business Administrator will notify an employee of any Benefits due him/her and see that the employee is properly enrolled to receive them. However, it is the individual employee's obligation to complete and return all necessary forms and to supply all information required for the receipt of such benefits.

PERSONNEL FILES

A personnel file shall be maintained for each employee. The personnel file shall contain, at minimum:

- a. The original application form.
- b. Pre-employment interview notes and records, including references.
- c. Employment test results, if applicable.
- d. Performance evaluations
- e. Commendations.
- f. Disciplinary actions.
- g. Attendance records.
- h. Job descriptions for positions currently and previously held.
- i. Employment and salary history.
- j. Education and training information.
- k. Transfer, promotion, demotion, layoff and reassignment documentation.
- l. Any documentation necessary for the specific employment held by the employees, e.g., CDL licenses for employees who operate commercial vehicles as part of their jobs.
- m. Documentation required under the Immigration Reform and Control Act.
- n. Documentation regarding separation from employment.
- o. Pension information.
- p. Such other documentation that the Township deems appropriate. Medical records, including workers' compensation records, and information obtained regarding the medical condition or history of an employee shall be collected and maintained on separate forms and in separate medical files, and shall be treated as confidential medical records, except that (i) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations; (ii) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and (iii) government officials investigating compliance with the Americans With

Disabilities Act shall be provided relevant information on request.

Information contained in the employee's personnel and medical records files shall be deemed confidential, and shall not be released to the public or to any third party without prior written consent of the employee; provided, however, that the following information shall be deemed public information:

- a. The employee's name, title, position, salary, payroll record, length of service, date of separation from government service and the reason therefore; and the amount and type of pension he is receiving; and
- b. Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released.

ACCESS TO PERSONNEL FILES POLICY *

The official personnel file for each employee shall be maintained by the Administrative Assistant to the Business Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Administrative Assistant to the Business Administrator upon reasonable notice.

SENIORITY

Except where defined otherwise by Civil Service law or by union contract, seniority is defined as an employee's continuous length of service with the Township of Rockaway, beginning with his/her latest date of hire.

Seniority for classified employees shall commence on the date of obtaining permanent status.

Continuous service for Seniority purposes shall be broken for any of the following reasons:

1. Discharge.
2. Voluntary resignation.
3. Failure to report, as required, following the expiration of an approved Leave of Absence, unless the employee presents justifiable reasons for his inability to report.
4. Unauthorized absence from work for five (5) consecutive working days unless reasonable and satisfactory excuse for not having notified the Township of Rockaway is presented.
- 5.

RETIREMENT

Rockaway Township adheres to all State laws pertaining to retirement and pensions. An employee shall notify his/her Department Head and the Business Administrator, in writing, least three (3) months before planned retirement.

Additionally, the employee shall apply to the Public Employees Retirement System or the Police and Fire Retirement System for Pension Benefits at least three (3) months prior to his/her planned retirement. In order to ensure payment of the retiree's separation pay in the employee's retirement year, notice of intent to retire shall be provided no later than November 1 of the year preceding the proposed retirement year.

WORK FORCE REDUCTION POLICY *

Pursuant to N.J.A.C. 4A: 8-1.1 the Township may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees in Career Service titles will be determined by the New Jersey Department of Personnel.)

RESIGNATIONS

Resignations in good standing and not in good standing are defined by Civil Service law. Employees of the Township of Rockaway may resign in good standing by giving the Business Administrator at least fourteen (14) days written notice. The two weeks' notice shall be in addition to the employee's accrued vacation and sick leave time. The Township may elect to release the employee immediately and continue to pay his or her salary for the two weeks.

A written resignation should be submitted to the Department Head a minimum of two (2) weeks prior to the effective date of termination. The Department Head shall, in turn, shall forward it to the Business Administrator. If the proper notice is not received, the employee shall be considered to have resigned not in good standing.

Unless there are disciplinary charges pending against the employee, the Business Administrator shall notify the employee, in writing, of acceptance of his/her resignation in good standing.

Oral resignation will be deemed binding but shall not constitute resignation in good standing.

EMPLOYEE DISCIPLINE POLICY *

An employee may be subject to discipline for all of the following reasons:

- Falsification of public records, including attendance and other personnel records
- Failure to report absence.
- Harassment of co-workers and/or volunteers and visitors.

- Theft or attempted theft of property belonging to the Township, fellow employees, volunteers, or visitors.
- Failure to report to work on days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Township property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Township property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Township premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Township or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township premises and/or during work hours, unless carrying a weapon is a function of your job.
- Violation of established safety and fire regulations
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or littering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Township or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Township information.
- Gambling on Township premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Township premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime.
- Violating any Township rules or policies.
- Conduct unbecoming a public employee.
- Violation of Township policies, procedures and regulations.
- Violation of Federal, State or Township regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure and Civil Service procedure.

In cases of employee misconduct, the Township believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Business Administrator review; written reprimand; suspension; fines, and, dismissal. At the discretion of the Township, action may begin at any step, and/ or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary history.

EXIT CONFERENCE

An exit conference shall be conducted during the final week of service by the Business Administrator or his/her designee.

1. Employees who either resign or terminate employment with the Township of Rockaway will be scheduled for an exit conference by the Business Administrator prior to their last day on the job.
2. At the time of the exit conference the employee will be advised of the right to continue, convert, terminate or vest (if applicable) any Benefits, e.g., COBRA.
3. At the time of the exit conference, the employee will present written notice from the Department Head indicating that satisfactory arrangements have been made for the surrender of any municipal identification, badges, cards, clothing, keys, tools or property, etc.
4. It will be necessary for an employee to confirm forwarding address or other pertinent information as it might apply.
5. Upon completion of all of the above, the Business Administrator will forward notification to the Payroll Department to release the final paycheck to said individual.

EMPLOYEE DATING POLICY

The Township recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Township has adopted the following policy on the subject of supervisor/subordinate dating. If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or

B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title or civil-service classification, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In Addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

Nothing in this policy alters an employee's "at-will" status

CHAPTER III - BENEFITS

HOLIDAYS

Employees of the Township of Rockaway are entitled to the following paid holidays:

NEW YEAR'S DAY
MARTIN LUTHER KING'S BIRTHDAY
PRESIDENT'S DAY
GOOD FRIDAY
MEMORIAL DAY
INDEPENDENCE DAY
LABOR DAY
COLUMBUS DAY
VETERAN'S DAY
THANKSGIVING DAY
DAY AFTER THANKSGIVING
CHRISTMAS DAY

In addition to the above holidays, employees are entitled to any holiday that might be awarded in the terms of the appropriate negotiated contracts. Employees will also be awarded any holiday declared by Special Proclamation of the President of the United States, Governor of New Jersey or the Mayor of the Township of Rockaway.

The observance of religious holidays, other than those listed above, may be granted and charged as a personal day or a vacation day.

1. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday.
2. If an official holiday occurs while an employee is on sick or vacation leave, the employee shall not have that holiday charged against sick or vacation time.
3. If an official holiday occurs on a normal work day of a permanent part-time employee, the employee is entitled to part-time holiday pay.
4. If, when necessary to maintain municipal services, an employee is required to work on an official holiday, union employees will be compensated in accordance with the applicable union contract provisions.
5. Holiday hours are defined as a 24 hour period between 12:00 midnight of the day preceding the holiday and 12:00 midnight of the holiday.

VACATION DAYS

FULL-TIME CLASSIFIED EMPLOYEES: Unless otherwise specified by applicable union contract, Full-time classified employees of the Township of Rockaway will receive annual vacation leave as follows:

During 1 st year of service:		1 day per month of service
Upon completion of:	1-5 years	12 days per year
	6-10 years	15 days per year
	10-25 years	15+ one additional day for each year of service with a maximum of 25 days per year.

(For police, a "day" is equal to eight hours.)

Ten (10) vacation days per year must be used by all employees. Employees will be allowed to carry over a maximum of seventy-five (75) unused vacation days from year to year. Employees with more than 75 unused vacation days saved through December 31, 1998 will be permitted to cap their vacation day levels at their 1998 level. The sellback of vacation days does not constitute the utilization of 10 vacation days per year.

PERMANENT PART-TIME CLASSIFIED EMPLOYEES: Unless otherwise specified by applicable union contract, permanent part-time classified employees of the Township of Rockaway will receive vacation leave in accordance with the following formula:

No. Hours worked per week	X	Vacation hours per year for full-time employee, in accordance with years of service
35 hours		1
(or 40 hours Blue Collar or per Union Contract)		

i.e. Part-time employee works 13.5 hours a week (4.5 a day) and has 1 year of service.

13.5	X	84 (12 vacation days x 7 hours)	
4.5 hours		1	=32.4 hours
		32.4 hours	
		4.5 hours	= 7 part-time days vacation

FULL-TIME UNCLASSIFIED EMPLOYEES: Full-time unclassified employees of the Township of Rockaway will receive annual vacation leave as follows:

1. a minimum of 20 vacation days per year prorated on annual basis
2. employees exceeding 20 years of service shall accrue additional vacation time in accordance with classified employees

The date of employment with the Township of Rockaway, unless interrupted by resignation, removal or retirement, will determine the number of years of service for vacation purposes.

Requests for vacations shall be made, in writing, to the Department Head. Employees shall schedule their vacation, with their Department Head, at least two weeks in advance.

Vacations shall be approved by the Departments Heads in accordance with the best interest and needs of the Township of Rockaway.

If a conflict should occur where more than one employee desires the same time off, the order of request shall prevail. If requests are submitted simultaneously, seniority in the department shall prevail. However, in any instance proper staffing of the units of the department must take precedence over all other considerations in scheduling vacations.

Advance salary for vacation leave:

1. may be paid upon request to the Finance Department;
2. requests are to be made at least two (2) weeks in advance;
3. advance salary may be paid prior to the scheduled vacation.

Accrued vacation leave shall be compensated for upon the separation of an employee, either voluntarily or involuntarily, from the service of the Township of Rockaway.

Vacation time for all employees shall be utilized on the basis of a full work day off rather than on an hourly basis unless otherwise approved by Department Head.

Where in any calendar year the vacation or any part thereof is not granted by reason of pressure of municipal business such vacation periods or parts thereof not granted shall accumulate as approved by the Business Administrator.

SICK TIME

Full-time employees will receive one working day of sick leave for every month of service during the remainder of the first calendar year of service following permanent appointment and 15 working days in every calendar year thereafter, accrued at a rate of one and one-quarter (1 1/4) working days per month worked for each calendar month of employment. (Ten (10) working days for which pay is received shall constitute a month's service for

purposes of this Article). There is no limit to the accumulation of sick leave. In accordance with Civil Service law, sick time shall be advanced at the beginning of the year in anticipation of continued employment.

Part-time employees will receive sick time in accordance with the following formula:

No. Hours worked per week	X	Sick leave hours per year for full-time employee, in accordance with years of service
35 or 40 hours		1

1. Employees shall notify their Supervisor or Department Head of absence due to illness prior to starting time.
2. Failure to notify one's Supervisor or Department Head may be cause for denial of sick leave for that absence and may constitute cause for disciplinary action.
3. An employee who is absent on sick leave for five (5) or more consecutive working days may be required to submit a medical certificate from a physician substantiating the illness. (See Chapter II, "Returning to Work Following Sickness, Accident or Injury" for appropriate procedures.)
4. Department Heads shall notify the Business Administrator of the duration and nature of sick leave by employees.
5. Upon cessation of employment with the Township of Rockaway, each and every employee will be paid one-half (1/2) pay for unused sick time. Employees with twenty-five (25) or more years of service with the Township of Rockaway shall receive full payment for all unused sick time within their specified cap. Non-police employees hired after November 1, 1999, shall not receive payment for accrued unused sick time under any circumstances.

PERSONAL DAYS

Full-time employees shall be granted five (5) Personal Days (Floating Holidays) per year, which shall be earned in the first year, in accordance with the following schedule:

Completion of 3 months service	one personal day
Completion of 5 months service	two personal days
Completion of 7 months service	three personal days
Completion of 9 months service	four personal days
Completion of 10 months service	five personal days

Part-time employees shall be granted Personal Days in accordance with the following formula:

$$\frac{\text{No. Hours worked per week}}{35 \text{ or } 40 \text{ hours}} \times \frac{\text{Personal leave hours per year for full-time employee, in accordance with years of service}}{1}$$

1. Requests for Personal Days should be made, in writing, to the Department Head at least three (3) working days in advance of the requested Personal Day.
2. Department Heads will approve requests which do not unduly conflict with the needs of the Township of Rockaway nor the scheduling requirements of the Department.
3. Accrued Personal Days shall be compensated for upon the separation of an employee, either voluntarily or involuntary, from the service of the Township of Rockaway.

SEPARATION PAY – ACCUMULATED SICK, VACATION AND PERSONAL TIME

The Township of Rockaway shall compensate employees at separation for their accumulated sick, vacation and personal time in accordance with contract requirements.

The employee shall notify the Business Administrator in writing no later than November of the preceding year of intended separation in order to receive compensation in the following year.

MEDICAL BENEFIT PLANS

The Township of Rockaway will provide medical insurance coverage as provided by the New Jersey State Health Benefits Program for all eligible employees and their families. All employees hired on or before July 5, 2011, must work a minimum of twenty (20) hours per week in order to be eligible for State Health Benefits. All employees hired after July 5, 2011 must work a minimum of twenty-five (25) hours per week in order to be eligible for State Health Benefits. The Township shall annually pay to any employee who files a waiver of State Health Benefits pursuant to N.J.S.A. 52:14-17.31a, an amount equal to the lesser of twenty-five percent of the amount saved by the Township because of the employee’s waiver of coverage or Five Thousand Dollars (\$5,000.00).

Additionally, the Township makes available to eligible employees a Dental Plan, a Vision Plan and a Prescription Drug Plan, Temporary Disability Plan and Life Insurance benefit coverage.

Specific information regarding these benefit plans will be provided to each employee upon hiring and whenever the plans are updated or revised.

LIFE INSURANCE

The Township of Rockaway shall provide a Life Insurance Plan for all employees working thirty (30) hours or more per week in addition to the Group Life Insurance Plan available under the New Jersey Public Employees Retirement System and the Police and Fire Retirement System in accordance with labor contracts.

1. Full-time employees and part-time employees who work 30 hours or more per week will become eligible for participation in the Municipal Life Insurance Plan on the day following completion of two (2) months continuous employment.
2. During an employee's first year of membership in the Public Employee's Retirement System, he/she is required, by Statute, to participate in the System's Contributory Group Life Insurance Plan. Details of this Life Insurance Plan are outlined in the Public Employee Retirement System booklet provided to all employees by the Department of Finance.
3. To obtain municipal coverage, employees must fill out the appropriate forms with the Township Administration Department.
4. Claims under the Life Insurance Program must be promptly filed with the Township Administration Department.
5. Municipal Life Insurance coverage will terminate on the last day of the month during which an employee's employment terminates with the Township of Rockaway with the exceptions stipulated in the applicable union contract.
6. Upon termination of employment with the Township of Rockaway, conversion of Life Insurance coverage will be governed by the policies of the Insurance Company.

WORKMEN'S COMPENSATION

The Township of Rockaway will provide Workers' Compensation as required by State Law for all employees.

1. Any time an accident or injury occurs while on the job, an employee shall report the incident to his/her Supervisor immediately, no matter how small the injury.
2. Where prompt medical attention is required, employees should seek the services of the Township of Rockaway's physician. All medical bills are to be sent to the Township's Administration Department.
3. Supervisors will promptly notify the Department Head that an employee has been injured, the nature of the injury and take appropriate action according to established risk management procedures.
4. Injured employees must complete an injury form, and Supervisors will complete the Supervisors Report. Both forms will be transmitted to the Township's

Administration Department within the requisite amount of time per risk management policy.

5. Compensation for time lost from the job due to an on-the-job injury or job related illness will be handled as follows:
 - a. Employee will receive normal salary from the Township of Rockaway.
 - b. Employee will receive a compensation check from the Insurance Company.
 - c. Employee will sign his/her compensation check over to the Township of Rockaway.
6. Continuation of Benefits while on Workers' Compensation will be as follows:
 - a. Medical, Dental, Prescription and Vision will continue for one year without cost to the employee.
 - b. Pension Coverage - A Pension contribution will be deducted from the cash that the employee receives. The contribution is calculated at the net Pension Rate (full Rate after maximum wages subject to Social Security) on the base salary that the employee would be entitled to receive had he continued in active employment.*
 - c. Noncontributory Life Insurance - Noncontributory insurance coverage will continue during the entire period of the payment of wages in addition to or in lieu of Workers' Compensation periodic Benefits.*
 - d. Contributory Life Insurance - If the member had contributory life insurance coverage in the Public Employees Retirement System immediately prior to the award of Workers' Compensation, the employer must deduct from his cash wages the specific percentage of the base salary that the employee would be entitled to receive were he still in active employment. Contributory insurance coverage will continue during the entire period of the payment of wages in addition to, or in lieu of, Workers' Compensation periodic Benefits.*
 - e. Upon workers return to work from medical compensation leave as authorized by a medical doctor recognized by the Township of Rockaway, employees may be permitted to obtain prescribed medical treatment directly attributable to the work related injury during the defined work day provided that the scheduling does not unduly interfere -with the operation of the department. The request for medical attention during the work day, for work related injuries, shall be submitted to the Business Administrator in writing for approval. Employees who have been approved by the Business Administrator to obtain medical treatment during the work day for work related injuries shall not be charged for utilized time.

*In accordance with N.J. Division of Pensions Public Employee Benefit Manual.

UNEMPLOYMENT COMPENSATION

The Unemployment Compensation Law sets up a program for the payment of cash benefits to covered workers who are terminated due to lack of work or for any reason other than misconduct related to their work. Employees who voluntarily quit are not entitled to Unemployment Compensation.

The Township of Rockaway and employees make contributions to the financing of the Unemployment Compensation Insurance Program.

1. The Township of Rockaway is authorized to deduct the worker's contribution (tax) from the employee's wages. This deduction is noted on the pay stub. The employee contribution rate is subject to change in each calendar year.
2. If an employee becomes totally or partially unemployed, they may file a Claim for benefits the first working day following their loss of job at the Unemployment Insurance Claim Office nearest their home.
3. Form BC-10, "Instructions for Claiming Unemployment Benefits", will be supplied to employees by the Business Administrator.

EDUCATIONAL BENEFITS

The Township of Rockaway encourages employees to receive job related training and education through attendance at college courses, Department of Personnel programs, seminars and professional conferences. Reimbursement for educational expenses shall be in accordance with negotiated contracts.

No employee should register for a course which conflicts with the employee's working hours without the approval of the Department Head and Business Administrator. Employees requiring special consideration to fulfill required courses for an advanced degree shall request written approval from the Business Administrator.

RETIREE HEALTH BENEFITS

Union employees who retire may be eligible to continue their health benefits in accordance with the terms of a union contract.

Non-union employees who retire on a disability pension or retiring with 25 or more years of public service may be able to continue their benefits with the following contributions. All employees hired after July 5, 2011, and surviving spouses and/or eligible dependents of employees hired after July 5, 2011, upon retirement shall contribute the total premium cost in order to continue to receive health benefits. Employees and surviving spouses and/or eligible dependents of employees who may be entitled to payment of the premium cost or a portion thereof for retiree health benefits under certain binding agreements entered into by the Township, including collective bargaining agreements, are bound by the terms and conditions contained in those agreements regarding payment of retiree health benefits.

CHAPTER IV – LEAVES OF ABSENCE

LEAVE OF ABSENCE POLICY *

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Business Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal, and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation, personal, and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Township.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence will not receive holiday pay, and will not accrue vacation, personal, or sick leave time for that month. Health benefits may also be impacted. Refer to the Township Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Township. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

LEAVE OF ABSENCE WITHOUT PAY

The procedures for requesting a leave of absence without pay are as follows:

1. An employee will present to his/her Department Head a written request for a leave of absence without pay which states the reason(s) for the leave and the effective date.
2. The Department Head will send the employee's request to the Business Administrator along with the Department Head's written recommendation/non-recommendation.
3. The Business Administrator will approve or deny the requested leave of absence without pay and will communicate such approval or denial to the employee and the Department Head.

FAMILY AND MEDICAL LEAVE TO CARE FOR SELF OR A FAMILY MEMBER

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (“FMLA”) or the New Jersey Family Leave Act (“NJFLA”). To trigger FMLA or NJFLA leave protections, employees must inform the Department Head of the need for qualified leave 30 days in advance, or as soon as possible, and the anticipated timing and duration of the leave, if known. If employees have any questions concerning this leave, they should contact the Department Head.

Eligible employees who take FMLA or NJFLA leave under this policy must use all accrued available sick, vacation, and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave. The employee will not continue to accrue vacation, sick or personal days during the period of the leave.

An employee returning from leave pursuant to the FMLA and/or the NJFLA will be either restored to his or her former position or placed in an equivalent position with comparable compensation and benefits unless: (a) the employee is unable to perform an essential function of the position because of physical or mental condition, including the continuation of a serious health condition; or (b) the Employee would have been laid off or otherwise had his or her employment terminated had the Employee continued to work during the leave period as, for example, because of a general layoff. An employee failing to return from leave may be subject to termination of employment.

Where the necessity for leave is foreseeable, requests for leave under this policy shall be submitted to the Department Head in writing at least thirty (30) days prior to the date on which an employee wishes to commence leave. If it is not possible to give thirty (30) days' notice, then the employee must provide as much notice as possible.

The period of leave must be supported by a medical provider's certificate. The Township will provide the employee with a "Certification of Health Care Provider" to be used for this purpose. The completed certification must be submitted to the Department Head within fifteen (15) days of the request for leave, except in unusual circumstances. Failure to provide the required medical certification may result in the denial of all privileges and benefits under the policy, and may result in denial of re-employment upon completion of the leave.

If deemed necessary, the Township may require that the employee to obtain the opinion of a second health care provider designated by the Township, which will be paid for by the Township. If there is a conflict between the original medical opinion and the second opinion, the Township may require a third opinion by a health care provider jointly selected by the Township and the employee and paid for by the Township. The third opinion will be considered final and binding. The Township may require an employee who takes leave for the employee's own serious health condition or to care for an immediate family member suffering from a serious health condition to obtain subsequent recertification on a reasonable basis, but no more frequently than monthly. The Township also may require an employee returning from leave due to the employee's own serious health condition to submit a medical certification of fitness-for-duty.

Employees taking family or medical leave due to a non-work related disability may apply for State disability benefits. Employees requiring leave due to a work-related illness or injury may be eligible to receive Worker's Compensation benefits. Family and medical leave, if applicable, will run concurrently with any benefits from these programs.

Family and Medical Leave Act: The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a twelve (12) month period. The twelve (12) month period is determined from the twelve (12) months prior to the date leave is requested. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member or covered veteran may be entitled to take up to twenty-six (26) weeks of leave to care for the service member.

FMLA leave is available to employees who: (a) have been employed by The Township of Rockaway for at least twelve (12) months; and (b) have been employed by The Township of Rockaway for at least 1,250 hours of service during the 12 month period immediately preceding the commencement of the leave.

FMLA leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, civil union or domestic partner, son, daughter or parent who has a serious health condition;
- For the employee's own serious health condition;
- For a family member who is a servicemember and has a serious injury incurred in the line of duty; and/or
- Because of any qualifying exigency arising out of the fact that an employee's spouse, civil union or domestic partner, son, daughter or parent is a covered military member on covered active duty.

New Jersey Family Leave Act: The NJFLA provides eligible employees up to twelve (12) work weeks of unpaid leave during every twenty-four (24) months. The two (2) year period is determined by the twenty-four (24) months prior to the date the leave is requested.

NJFLA leave is available to "eligible employees" who: (a) have at least one (1) year of service with the Township; and (b) have worked at least 1,000 hours of work during the twelve (12) months immediately prior to taking the leave.. If applicable all NJFLA and FMLA leave will run concurrently.

NJFLA leave may be taken for the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care as long leave begins within one (1) year of the date the child is born or placed with the employee; or
- To care for a parent, child under eighteen (18), spouse, civil union or domestic partner, or parent-in-law who has a serious health condition.

DOMESTIC VIOLENCE LEAVE

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Township will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Township shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Township shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

MILITARY LEAVE POLICY

A. General policy. The Township will grant a leave of absence for military duty in accordance with applicable State and Federal laws. Employees seeking military leave must submit their military service orders to the Personnel Office for review prior to the commencement of the leave. Employees who have reserve duty obligations are requested to provide the Personnel Office with a copy of their drill schedule for the time they are scheduled to fulfill their inactive duty military obligations.

B. Paid Leave. Whether or not an employee will continue to receive pay while on military leave, and the length of time that the pay will be continued, varies based on the type of leave taken, the length of that leave and the military organization for which the leave is requested, as set forth in the chart below:

	<u>NJ STATE MILITIA</u>	<u>UNITED STATES RESERVES</u>
	NJ Army National Guard	United States Army
	NJ Air National Guard	United States Marines
	NJ Naval Militia	United States Air Force
	NJ State Guard	United States Navy
	NJ State Guard	United States Coast Guard
State Active Duty	Unlimited leave with pay while on active state duty	N/A (unless navel reserves are serving in the NJ Naval Militia, in which case covered pursuant to previous column)
Federal Active Duty (unpaid if employee for less than one year)	Up to 90 days paid in a calendar year	Up to 30 days paid in a calendar year
Employee who enters military during time of war or emergency	Unpaid for duration	Unpaid for duration
Basic Training/Voluntary Training	Unpaid for duration	Unpaid for duration
Field Training	Up to 90 days paid in a calendar year	Up to 30 days paid in a calendar year
Other Involuntary Training	Up to 90 days paid in a calendar year	Unpaid
Annual Training	Up to 90 days paid in a calendar year	Unpaid (unless Field Training)
Inactive Duty Training (Drill Unit Training, Assemblies, Split Union Training, Training Period Preparation Assembly, etc.)	Unpaid	Unpaid

The Township will provide paid leave to employees on military leave in accordance with the time frames set forth above.

Once the time period for paid leave expires, the Township will pay the employee the difference between his/her normal salary from the Township and his/her military pay. In addition, employees may opt to use accrued vacation time or other accrued paid time off while on military leave. If you are a member of the state militia of any state other than New Jersey, please check with the Personnel Office regarding your right to paid leave.

A member of organized militia shall be entitled, in addition to pay received, if any, to a leave of absence from his or her respective duties without loss of pay or time on all days during which he or she shall be engaged in any period of State active duty.

Paid leaves of absence for members of organized militia for Federal active duty or active duty for training shall not exceed ninety (90) work days in the aggregate in any calendar year.

Paid leaves of absence for members of the United States Reserves shall not exceed thirty (30) days in any calendar year.

- C. Reemployment Rights. Those employees who enter full-time military duty will be eligible for re-employment, as described below, provided that:
 - a. The employee's cumulative leave from the Township for military service has not exceeded 5 years of actual service with the military (if an employee's military service exceeds 5 years, then the employee should check with the Township to determine if any reemployment rights may exist);
 - b. The employee was not dishonorably discharged (or otherwise discharged for bad conduct) from the military;
 - c. The employee returns to employment with the Township within the time frames set forth below.
- D. Time to Return to Employment. Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty shall return to work without loss of privileges or seniority (as described in more detail below) within the following time limits:
 - a. For service less than thirty (30) calendar days: Employee must return to work on the beginning of the first regularly scheduled workday or eight hours after the end of military duty, with reasonable allowances for commuting.
 - b. For service of thirty-one (31) to one hundred eighty (180) calendar days: Employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty.
 - c. For service greater than one hundred eighty (180) calendar days: Employee must submit an application for reinstatement within ninety (90) calendar days after completing military service.
- E. Rights Upon Reemployment. Provided that the employee meets the requirements defined above, the Township will reemploy the employee upon his/her return from military service. Reemployed employees will be entitled to the same seniority status and benefits they would have received had they not taken leave to perform military service. In determining what position an employee must be

given following a return from military service, the Township will attempt to follow these guidelines:

- a. For periods of military service for ninety (90) days or less: The Township will reinstate the returning employee to the position he or she would have attained if the employee had been continuously employed and had not taken military leave, provided that the employee is qualified for the position. If the employee is not qualified for the position, the Township will take reasonable steps to train the employee. If the employee cannot become qualified for the position, the Township will place the employee in the same position that he or she held at the commencement of military service.
 - b. For periods of military service of ninety-one (91) days or more: The Township will reinstate the returning employee to the position he or she would have attained if the employee had remained continuously employed and not taken military leave, or to a position of like pay, status and seniority, provided that the employee is qualified for the position. The Township will use reasonable efforts to train the employee. If the employee cannot become qualified for the position, the Township will place the employee in the same position he or she held prior to leaving for military service, or a position of like pay, status and seniority.
- F. **Benefits While on Leave.** The Township will continue the employee's health care coverage at active employee rates during any period of time that the employee is on military leave.
- G. **Pension.** Returning employees are entitled to a full credit during periods of military service for the purposes of vesting and accrual of benefits under retirement plans. Periods of military service shall not be treated as a break in service for purposes of forfeiture. The Township will continue to make Township contributions for the employee in the same manner as if the employee were not on military leave. The employee is responsible for any employee-required contributions.

BEREAVEMENT LEAVE

Employees shall be granted four (4) days off without deduction from pay for a death in an employee's immediate family. "Immediate Family" means father, mother, stepfather, stepmother, spouse, child, foster child, stepchild, sister or brother, mother-in-law or father-in-law or grandparents of the employee and the employee's spouse. It shall also include relatives of the employee residing in the employee's household.

Additionally, one day shall be granted for a brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grand-child or an active co-worker in accordance with existing labor contracts. An active co-worker shall be defined as employees working within the same department as defined by the Township's organizational chart. This one day shall be granted without charge to sick leave.

The scheduling of bereavement leave, whether before or after the day of funeral, shall be made in accordance with the individual needs of the employee. Bereavement leave shall not accrue and shall be utilized within 10 days of the date of loss.

1. Employees shall immediately notify their supervisors or Department Head when a death has occurred and advise him/her of the date of the funeral.
2. Department Head shall notify the Business Administrator that an employee is on bereavement leave.

JURY DUTY OR COURT APPEARANCE LEAVE

An employee required to serve jury duty shall be paid the regular rate of pay by the Township of Rockaway. Compensation, excluding travel monies the employee receives as a juror, shall be paid over to the Township of Rockaway.

When an employee is required to appear at court, time off without pay may be granted under the following circumstances:

- a. If the employee is a plaintiff or defendant in a case that did not result from the performance of his official duties; or
- b. If a member of the employee's immediate family is involved in a court case and it is essential that the employee be present.

An employee shall be excused and shall be paid for all absences due to court appearances under the following conditions:

- a. When the employee is subpoenaed to appear as a witness; or
- b. When an employee is either a plaintiff or defendant in a court case that resulted from the performance of his official Township duties.

If approved by the Department Head, vacation days may be used for the scheduled work days for which pay is not granted for court appearance. Under no circumstances may sick leave days be applied for payment of absences due to court appearances.

1. Employees who wish to take court appearance leave or are summoned for service as Grand or Petit Jurors or subpoenaed to appear as or witness are required to provide their Department Head with a copy of the Summons or Subpoena along with their request for Jury Duty or court appearance leave.
2. The Department Head will forward an employee's request and the Summons or Subpoena to the Business Administrator.
3. The Business Administrator will approve the leave and will communicate his/her approval to the employee and the Department Head.
4. Upon receipt of juror's compensation, an employee will reimburse the Township of Rockaway by check or money order.

SEVERE WEATHER, EMERGENCY OR SPECIAL LEAVE

The Municipal Building is the focal point of local government. Therefore, it is necessary that it be open and municipal employees be on duty to help provide necessary services generated by crisis weather conditions or other weather related situations. In the event of severe weather conditions, non-essential office personnel may take a vacation day or personal time.

The use of sick time is prohibited unless the employee satisfies the requirements as defined in this Manual for the use of sick leave. Employees not reporting to work will be charged a full vacation day even in the event the building closes early due to said emergency.

However, if a state of emergency is declared by the Governor, because of severe weather conditions, all non-essential personnel shall be excused with pay. This provision does not apply to police officers and/ or the employees of the Public Works Department who are considered essential.

Permanent employees shall be given time off with pay or with part pay, as the case dictates, when they are required to perform emergency civilian duty in relation to National Defense or other Emergency declared by the Governor of New Jersey or the President of the United States.

1. Employees must report emergency-related absences to their Department Head or the Business Administrator's Office, as appropriate.
2. Employee absence due to inclement weather must be reported within fifteen (15) minutes after normal work day starting time except where otherwise established as a department procedure.
3. Should a state of emergency be declared, the Business Administrator will notify the Township Council of the declaration and the need to close the Municipal Building. In addition, the Administrator will notify all Department Heads to personally contact all non-essential personnel to remain at home.

RETURN FROM LEAVE

An employee returning from an authorized leave of absence as set forth herein shall be restored to his/her original classification at the appropriate rate of pay with no loss of seniority, employee rights, privileges or benefits.

1. The employee's Department Head shall notify, in writing, the Business Administrator of the date an employee returns to work following an authorized leave.
2. Failure to return for five or more consecutive business days following the completion of an approved leave of absence shall be considered an abandonment of position.

CHAPTER V

PAY PERIODS, TIME COMPUTATION AND DEDUCTIONS

PAY PERIOD AND PAYCHECK DISTRIBUTION

The Township of Rockaway distributes paychecks every two (2) weeks, on Thursdays, one following completion of the pay period. Checks are disbursed by the Department of Finance to the respective Department Head, or designated representatives, for distribution to departmental employees.

EARLY RECEIPT OF PAYCHECK

Advance salary may be paid upon written request to the Finance Department. Requests are to be made at least two (2) weeks in advance.

DEDUCTIONS

Mandatory and Authorized deductions will consist of the following:

Mandatory Deductions:

1. Federal Withholding Tax
2. State Withholding Tax
3. F.I.C.A. (Social Security)
4. Unemployment Compensation Insurance
5. Pension Deductions
6. Repayment of Pension Loans
7. Wage Garnishees

Authorized Deductions:

1. P.E.R.S. Contributory Insurance (Mandatory for first year enrollment only)
2. P.E.R.S. Supplemental Annuity Program
3. Union Dues
4. Federal Savings Bonds
5. Credit Union
6. Deferred Compensation
7. Individual Retirement Program
8. Individual Insurance Program

GARNISHMENT

Court-ordered garnishments of employee wages will be deducted from employee's paychecks and forwarded to the creditors or other designated recipient.

SEPARATION PAY

An employee shall give written notification to his/her Department Head at least two (2) weeks in advance of intended termination of service with the Township. In order for an employee to receive separation pay within the year of separation, the employee is required to notify the Business Administrator by November 1st of the preceding year.

The Department Head shall forward such notification to the Business Administrator.

The Administrator's Office will tabulate the employee's final pay.

The Business Administrator will contact the Department Head to ensure that an exit interview is scheduled for the employee with the Business Administrator prior to his/her last day on the job. (See Chapter II, "Exit Conference").

OVERTIME

Overtime shall be defined by the applicable labor contracts and/ or the applicable provisions of the federal Fair Labor Standards Act.

When necessary, overtime will be scheduled and authorized by the Department Head or appropriate supervisor.

All authorized overtime must be recorded on weekly time sheets. Overtime payment will be included in the paycheck of the employee covering base wages for the respective time period.

TARDINESS

Punctuality is of the utmost importance and any tardiness in reporting for work or returning from lunch shall be recorded by the Department Head. Chronic or recurring tardiness shall be reported to the Business Administrator by the Department Head for appropriate action, including disciplinary action up to and including dismissal.

Employees who recognize that they will be late in reporting for work or returning from lunch should telephone their Supervisor or Department Head to report the reason for lateness and the expected arrival time.

A Department Head shall record tardiness on the weekly time sheet and shall report repeated occurrences to the Business Administrator.

LUNCH HOURS AND COFFEE BREAKS

Employee Lunch Hours shall be scheduled between 11:30 A.M. and 2:00 P.M. unless otherwise authorized by the Department Head.

Coffee Breaks shall be of the duration specified by Collective Bargaining Agreements. Coffee Breaks by Field Crews will be taken in accordance with directives of the Field Crew Supervisor.

Department Heads shall be responsible for overseeing the staggering of employee lunch times so that offices are covered by staff at all times.

CHAPTER VI - WORK RULES AND STANDARDS

APPEARANCE

Township of Rockaway employees are required to present themselves in a neat, orderly business manner and to dress appropriately for the work they perform.

Uniforms are to be worn, when issued by the Township of Rockaway, in accordance with negotiated Contract Agreements. Refusal to wear such uniforms may be cause for disciplinary action.

ATTENDANCE

Unsatisfactory attendance includes excessive absenteeism, abuse of sick leave, absences that precede or follow regularly scheduled days off or holidays and continued tardiness.

All unauthorized and unreported absences shall be considered Absence without Leave and deduction of pay shall be made for such period of absences. Absence without Leave for five (5) or more business days, shall be considered an abandonment of position.

Department Heads should warn employees about excessive absences and lateness and explain disciplinary actions which will result if there is no improvement in the employee's attendance record. See Chapter II, "Disciplinary Actions".

The first warning for tardiness or excessive absences should be oral with a written memorandum, noting date and particulars, signed by the Department Head. Said memorandum shall be forwarded to the Business Administrator and placed in the employee's file.

Subsequent warnings must be in writing and signed by said employee. Should the employee object to signing the written warning, the Department Head must so note on the memorandum. Said memorandum will then be forwarded to the Business Administrator and placed in the employee's file.

Subsequent disciplinary action shall include suspension without pay and/or termination.

Abandonment of position due to absence for five or more business days without authorization shall be ground for termination.

SAFETY POLICY

The Township will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Township is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees

are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Township facilities, equipment or motor vehicles must also be immediately reported to the Supervisor or Department Head.

The Township has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

PERSONAL PROPERTY

The Township of Rockaway is not responsible for any personal property of employees and does not carry insurance for loss or destruction of employee's personal property.

PREPARATION AND HANDLING OF TOWNSHIP RECORDS

All books, maps, papers, accounts, statements, vouchers and other documents whatsoever acquired or produced in any department shall be carefully and conveniently filed, kept and preserved, shall be and remain the sole property of the Township, and shall not at any time be removed from the offices of such department except when required for use in official business, and shall then be returned to such office without delay. Each Department Head shall be responsible for enforcing the requirement of this section in his department.

All public documents and records shall, during usual office hours, be open to public search, inspection and examination, subject to and within the limitations prescribed by law; and provided that such search, inspection and examination may be made under such reasonable and lawful regulations as the official having custody of such records, books and documents shall establish for the safety and preservation thereof.

Reports, vouchers, bills, payroll and service records, and all other necessary data must be absolutely factual and accurate.

Any person who intentionally makes a false accounting entry on a Township record or report, or intentionally destroys or alters any records will be subject to disciplinary action including possible dismissal or criminal prosecution where warranted.

Many records/documents contain confidential information. Such information shall be available only on a strictly need to know basis. Employees authorized to have access to confidential information shall be required to maintain the confidentiality of same. Unauthorized disclosure of confidential information shall result in discipline, up to and including termination.

MEDICAL, DENTAL AND OTHER PERSONAL BUSINESS APPOINTMENTS

Employees shall schedule any medical and dental appointments outside normal working hours, when possible. If necessary that such appointments be scheduled during working hours, employees may utilize sick time for these appointments.

For Personal Business, an employee shall utilize a Personal Day.

EMERGENCY SITUATIONS

Any employee requiring Police, Fire and/ or Ambulance Services for emergency situations should dial extension 2950 or 973.625.4000 for assistance.

In case of a bomb threat or similar incident, the employee should dial 2950 or 973.625.4000 and evacuate the building according to police instructions.

USE OF MUNICIPAL PROPERTY

USE OF EQUIPMENT AND SUPPLIES

Employees are responsible for taking care of any equipment assigned to them. Supplies are to be utilized appropriately. Employees of the Township of Rockaway shall not remove or in any way assist in the removal of supplies, materials, goods or equipment belonging to the Township from its offices, unless such removal has been authorized by the Department Head. Employees are not to use equipment, supplies, postage or other materials of the Township of Rockaway for personal use.

Unauthorized use or removal of municipal equipment and/ or supplies shall be cause for disciplinary action and/ or removal from employment, as well as possible criminal prosecution.

USE OF MUNICIPAL VEHICLES

All Municipal Vehicles are under control of the Business Administrator. Municipal Vehicles are to be used for official business of the Township of Rockaway only.

Personal use of Municipal Vehicles is prohibited and shall be cause for disciplinary action and/or removal from employment, except as otherwise authorized. Only authorized individuals may be transported in Municipal Vehicles, except Police Cars which are used additionally for fugitive transport and Senior and Special transportation services, and other purposes authorized by Department rules, regulations, standard operating procedures and general orders.

Assigned drivers are responsible for ensuring that the vehicles are kept clean, in good operating condition and are serviced in accordance with the Preventive Maintenance Schedule established by the Municipal Automotive Repair Foreman.

Vehicles shall be utilized in accordance with prescribed energy conservation measures, as well as all traffic safety regulations and laws.

Employees authorized to use municipal vehicles must report all actual and proposed license revocations and suspensions to their immediate supervisors within one business day of receipt of same.

USE OF TELEPHONES

Telephones are to be used for the daily business of the Township of Rockaway. Personal calls shall be avoided except for essential ones.

Personal cell phone use shall only be permitted during allocated breaks. Personal cell phone use shall not be permitted at work stations or while operating Township vehicles or equipment.

Office telephones should be staffed at all times during the work day. Telephones should be answered promptly and courteously. Identify the Department (or Office) and yourself by name.

Supervisors and Department Heads are responsible for minimizing the misuse of telephones.

All employees are responsible for ensuring that the Township of Rockaway is not obliged to bear the cost of any personal call made by that employee on a Township telephone. If an essential long distance personal phone call must be made on a Township telephone, one of the following methods may be used:

1. Charging the call to a home phone
2. Charging the call to a personal credit card
3. Reversing charges (calling Collect)
4. Logging the time and destination of the call in order to establish personal accountability for accepting future charges. The logs shall be submitted to administration.
5. Restricting personal calls during business hours to essential calls only. Confining personal calls to lunch and rest periods unless an urgent personal situation arises, and spending as little time, as possible, on any personal call made during business hours.

COMMUNICATIONS MEDIA POLICY

The Township's Communication Media are the property of the Township and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Township, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Township. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Township business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Township’s mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Township’s local or wide-area networks.”

The Township respects the individual privacy of its employees. However, employee communications transmitted by the Township’s Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Township. The Township reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township’s Communication Media.** By using the Township’s equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Township personnel. The existence of passwords does not restrict or eliminate the Township’s ability or right to access electronic communications. However, the Township cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Township are required to use the assigned municipal email account for ALL Township business and correspondence. The use of private email accounts for ANY Township business or during business hours is strictly prohibited.

Employees can only use the Township’s Communication Media for legitimate business purposes. Employees may not use Township’s Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Township rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Township. Certain data, or applications that process data, may require additional security measures as determined by the Township. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Township has given permission. All employees must take appropriate actions to ensure that Township data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Township's computing environment.

Employees may not install or modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year, however information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those Employees directly authorized by the Business Administrator may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Township information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Township employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Business Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Township's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Township. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of

circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Township's Communication Media. If such situation occurs, employee agrees that any images belong to the Township and agree to release the image to the Township and ensure its permanent deletion from media device upon direction from the Township.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Township or on behalf of the Township, whether through the use of the Township's Communication Media or otherwise, may be issued unless it has first been approved by the (CEO of the local unit type). Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Township. Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Township's Communication Media will display on the Township's return address, any information posted on the Internet must reflect and adhere to all of the Township's standards and policies.

All users are personally accountable for messages that they originate or forward using the Township's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Business Administrator) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Township and other third-party rights. Any use of the Township's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Township, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a Township employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Township, as such no employee shall knowingly represent themselves as a spokesperson of the Township, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Township expresses views that are detrimental to the Township's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Township employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Township employees have the right to engage in or refrain from such activities.

NO SMOKING POLICY *

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Township buildings. Employees are permitted to smoke only outside Township buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside Township vehicles and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

BULLETIN BOARD POLICY *

The bulletin boards located in the Township administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice.

DRIVER'S LICENSE POLICY *

Any employee whose work requires that the operation of Township vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Township vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Township vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Township vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/ or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Township vehicle shall be subject to possible termination.

Any information obtained by the Township in accordance with this section shall be used by the Township only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.)

CHAPTER VII - EMPLOYEE DEVELOPMENT

CONVENTIONS

Convention leave shall be governed by applicable State law and applicable labor contracts.

Employee eligibility to attend conventions shall be determined by the employee's supervisor and approved by the Business Administrator. No employee or Township Official shall attend more than one convention each year without prior approval of the Business Administrator.

A written request to attend conventions must be made thirty (30) days prior to the convention and shall be pre-approved by the Business Administrator prior to attendance, or may be reduced at the discretion of the Business Administrator. Reimbursement for conventions may be denied by the Business Administrator if prior approval is not received and may subject the employee to disciplinary action.

Maximum time for a convention is four (4) days per year unless otherwise authorized by the Business Administrator.

A total of \$250.00 will be allowed, per approved convention attendance, which includes the Registration Fee, unless otherwise authorized by the Business Administrator.

Convention attendance for Members of Township related Commissions/Committees (Planning Board, Board of Adjustment, etc.) must be approved by the Head of such Authority before submittal to the Business Administrator.

No employee or member of any Township Committee or Board shall attend a Convention outside the State of New Jersey without prior approval from the Business Administrator.

CHAPTER VIII - UNIONS

STATEMENT OF MANAGEMENT RIGHTS

The Business Administrator shall be recognized as the Official Spokesperson for the Township of Rockaway with those organized employee groups entering into or holding formal Contractual Agreements. See Chapter I, "Management Rights".

RIGHT TO WORK PROVISION

No employee of the Township of Rockaway shall be required to join any Union, organization or other association as a condition of employment.

RECOGNIZED UNIONS

Currently employees in various White Collar, Blue Collar, Blue Collar Supervisors and Superintendent positions are represented by Morris Council 6 of the New Jersey Civil Service Association, AFL-CIO.

Police Captain and Lieutenants are represented by the Rockaway Township F.O.P. Superiors Bargaining Unit and Officers and Sergeants are represented by F.O.P. Rank and File Bargaining Unit.

MEMBERSHIP IN UNIONS

Classified Employees of the Township of Rockaway have the right to join or refrain from joining any Union. No discrimination, interference or coercion, by Management Officials or Supervisors will be reflected in their dealings with employees because of their affiliation or non-affiliation with any Union, organization or other association.

UNION DUES

All Classified employees of the Township of Rockaway will automatically be subjected to a payroll deduction to cover Dues in accordance with Municipal Employees Contract dated January 1, 1990 (Agency Shop).

RIGHT OF UNION OFFICIALS TO FUNCTION AND ATTEND MEETINGS

Two (2) Official Representatives (Shop Steward and Alternate Shop Steward) of recognized Unions will have the right, during the business day, to investigate any problems with working conditions or Contract Violations without said time being deducted from their working time.

Official Union Representatives will be given time off, with pay, to attend Meetings and Conventions in accordance with Contract provisions.

Regular Meetings of the recognized Unions representing employees of the Township of Rockaway will be held after working hours.

STRIKES AND LOCKOUTS

Employees of the Township of Rockaway are forbidden to strike. Recognized Unions will not participate in any strike, work stoppage, slowdown, walkout or other job action against the Township.

The Township of Rockaway will not institute a lockout against its employees.

GRIEVANCE PROCEDURE

The Township of Rockaway recognizes the right of employees to file Grievances within the terms and conditions of the applicable Labor Contracts.

1. Department Heads must file copies of Grievances with the Business Administrator immediately or no later than twenty-four (24) hours after receipt from the Union Representative.
2. The Business Administrator will monitor Grievance Procedures for compliance with established Township of Rockaway Policy and Labor Contracts.
3. Rockaway Township grievance proceedings shall be conducted in accordance with the Collective Bargaining Unit Contracts.

COMPLIANCE WITH UNION CONTRACTS

It is Township policy to comply with the requirements of the New Jersey Public Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq., where applicable, and to comply with the terms of all duly-negotiated union contracts.

Employees covered by union contracts shall be subject to the provisions of this Manual only the extent this Manual is consistent with the terms of the applicable union contract. In case of conflict, the terms of the union contract shall control.

It is Township policy that no union contract or any amendment thereto shall be deemed final until its terms have been reviewed and ratified by the Township Council. All union contracts and amendments thereto are subject to review and ratification of the Township Council, and shall be deemed tentative and non-binding pending such review and ratification.

CHAPTER IX - MISCELLANEOUS

CREDIT INFORMATION

In response to a telephone inquiry, the Township will supply only the employee's name, title, dates of employment, and final salary.

Further references, salary history and related information will be furnished to authorized persons or lending institutions upon written request to the Business Administrator. All requests for information regarding an employee's employment status are to be referred to the Business Administrator. Employees should notify the Business Administrator of anticipated credit checks.

REIMBURSEMENT FOR EXPENSES

Any employee who is authorized to expend cash for Township supplies or to attend a meeting on Township business will be reimbursed for legitimate expenses provided the employee presents a detailed voucher and supporting receipts. Prior to the expenditure of funds, all employees must receive approval from the respective Department Heads for travel and expenses in accordance with negotiated Contracts.

RELEASE TIME FOR VOLUNTEERS

Any employee who is a Volunteer Member of the Township of Rockaway Fire Department and/ or the First Aid Squad may be allowed release time to respond to Emergency Calls during working hours. Department Heads or their authorized representatives are the only ones who may allow release time.

1. Employee shall notify his/ her Supervisor that he / she is leaving the office to respond to an Emergency.
2. Subsequently, an employee will notify his/her Supervisor that:
 - a. He I she has returned to work; or
 - b. He I she will not (or was not able to) return until the following work day due to the length of the Emergency.

DRUGS AND ALCOHOL POLICY *

The Township recognizes that the use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The Supervisor or Department Head will immediately report any reasonable suspicions to the Business Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where

employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Township premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug violation in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify their supervisor or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition. Township personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's License Drug and Alcohol Testing Policy. (A program to assist employees who may have a drug/alcohol problem is provided through the Township's Employee Assistance Program).

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Township property or while performing Township business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

COMMUNITY ASSISTANCE PROGRAMS (CAP)

Rockaway Township strongly encourages an employee with a drug abuse problem to voluntarily step forward and disclose the problem to Rockaway Township, specifically, the Business Administrator.

Rockaway Township will assist in referring the employee to community assistance programs. An unpaid leave of absence will be granted for a reasonable period for treatment under the provisions of Rockaway Township's disability policy.

The employee may qualify for state disability payments during treatment. Rockaway Township will require the employee to strictly adhere to all directives given by medical personnel during rehabilitation.

When the employee is cleared to return to work, he/she will be required to pass a drug test. Upon receipt of a negative result, Rockaway Township will review the employee's employment and will then determine whether or not the employee will be allowed to return to work. He/ she will be subject to random testing as determined by Rockaway Township,

for no less than one year.

It is crucial to note that the accommodations in this section apply only when an employee voluntarily comes forward. If a substance abuse problem is disclosed to Rockaway Township only after there has been (1) a positive drug test, (2) a violation of a rule or standard, (3) a violation of law, or (4) a violation of this policy, discharge may result. If an employee fails to remain drug free after the first voluntary rehabilitation, he/ she will be discharged.

SUPERVISORY TRAINING

Supervisors have a key role in establishing and monitoring a drug-free workplace. Rockaway Township shall provide training to assist supervisors and managers in recognizing and addressing alcohol and illegal drug use by Rockaway Township's employees. The purpose of supervisory training is to understand:

1. Rockaway Township's policies relevant to work performance problems and drug use;
2. The process of reintegrating the employee into the work force.

Supervisory training shall be required of all supervisors and may be presented in a separate course, or be included as part of an ongoing supervisory training program. Training shall be provided as soon as possible after a person assumes supervisory responsibility. Training courses should include:

1. Overall Rockaway Township's policies;
2. The prevalence of various employee problems with respect to drugs and alcohol;
3. How to recognize employees with possible problems;
4. Documentation of employee performance or behavior;
5. Skills in confronting employees with possible problems;
6. Rockaway Township's procedures for referring employees to community assistance programs;
7. Disciplinary action, including removal, especially from safety sensitive positions; and
8. Drug testing.

EMPLOYEE EDUCATION

Rockaway Township shall offer drug education to all employees. Drug education should include education and training to all levels of employees on:

1. Types and effects of drugs;
2. Symptoms of drug use and effects on performance and conduct;
3. The relationship of the assistance programs to drug testing; and
4. Other relevant treatment, rehabilitation, and confidentiality issues.

Drug education activities may include:

1. Distribution of written materials;
2. Video tapes;
3. Lunch time employee forums; and
4. Employee drug awareness days.

SPECIAL DUTIES AND RESPONSIBILITIES

DRUG PROGRAM COORDINATOR. Rockaway Township shall appoint an individual to act as Drug Program Coordinator. The Drug Program Coordinator will be assigned to carry out the purposes of this plan. The Drug Program Coordinator shall be responsible for implementing, directing, administering, and managing a drug program at Rockaway Township. The Drug Program Coordinator shall serve as the principal contact with the laboratory for the collection activities and for assuring the effective operation of the testing portion of the program. Among other duties, the Drug Program Coordinator shall:

1. Arrange for all drug testing authorized under this policy;
2. Document, through written inspection reports, all results of laboratory inspections conducted;
3. Coordinate and report on drug program coordinator activities and findings that may affect the responsibility and reliability or accuracy of the laboratory results;
4. Publicize and disseminate drug program educational materials, and oversee training and education sessions regarding drug use and rehabilitation;
5. Receive verified positive test results from the Medical Review Officer;
6. Assume the lead role in development, implementation, and evaluation of the employee educational program;
7. Ensure that training is provided to assist supervisors in the recognition and documentation of facts and circumstances that support a reasonable suspicion that an employee may be using illegal drugs or alcohol;
8. Maintain a list of rehabilitation or treatment organizations which provide counseling and rehabilitative programs, and include the following information on each organization:
 - a. Name, address, and phone number;
 - b. Types of services provided;
 - c. Hours of operation, including emergency hours;
 - d. The contact person's name and phone number;
 - e. Fee structure, including insurance coverage;
 - f. Client's specialization; and
 - g. Other pertinent information.

MEDICAL REVIEW OFFICER. To ensure that Rockaway Township and its employees comply with all applicable federal and state statutes and regulations Rockaway Township has retained National Drug Screen, Inc., hereinafter referred to as the Agent.

Rockaway Township's Agent will be responsible for employer training, collection and analysis of specimens, and Medical Review Officer Services. Rockaway Township will be responsible for employee training.

GENERAL NOTICE. The general notice from Rockaway Township's Executive Director or the Personnel Director announcing the testing program, as required by this policy will be provided to all employees no later than thirty (30) days prior to the implementation date of this plan. The notice shall explain:

1. That the plan will include both voluntary and mandatory testing;
2. The circumstances under which testing may occur;
3. That opportunity will be afforded to submit medical documentation of lawful use of otherwise illegal drugs;
4. That the laboratory assessment is a series of tests which are highly accurate and reliable and that, as an added safeguard, laboratory results are reviewed by the Medical Review Officer;
5. That the positive test results verified by the Medical Review Officer may only be disclosed to the employee, the appropriate ROCKAWAY TOWNSHIP authorities necessary to process adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action;
6. That all medical and rehabilitation records in an assistance program will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient or authorizing Court order or otherwise as permitted by law.

INDIVIDUAL NOTICE. In addition to the information provided in the general notice, an individual notice will be distributed to all employees:

1. That the employee's position has been designated a "testing designated position";
2. That the employee will have an opportunity to voluntarily admit to being a user of illegal drugs or alcohol and to receive counseling or rehabilitation before the Township of Hanover has recognized such problem, in which case disciplinary action is discretionary;
3. That the employee's position will be subject to random testing no sooner than thirty (30) days following such notice.

SIGNED ACKNOWLEDGMENT. Each employee shall be asked to acknowledge in writing that the employee has received and read the notice which states that the employee's position has been designated for random drug testing, as well as, reasonable suspicion and post-accident testing, and that refusal to submit to testing will result in the initiation of disciplinary action, up to and including dismissal. The employee also acknowledges that his or her position is a safety sensitive-position which could adversely affect the safety of others if the employee were to be working under the influence of alcoholic beverages or illegal drugs. If the employee refuses to sign the acknowledgment, the employee's supervisor shall note on the acknowledgment form that the employee received the notice. This acknowledgment, which is advisory only, shall be centrally located for easy retrieval by the Personnel Director.

An employee's failure to sign the notice shall not preclude testing of that employee or otherwise affect the implementation of this policy since the general thirty (30) day notice will previously have notified all Rockaway Township's employees of the requirement to be drug-free.

FINDING OF DRUG USE AND DISCIPLINARY CONSEQUENCES

DETERMINATION. An employee may be found to use illegal drugs or be under the influence of alcohol during work hours on the basis of any appropriate evidence, including, but not limited to:

1. Direct observation;
2. Evidence obtained from conviction;
3. A verified positive drug test or a blood-alcohol content level of .02 or greater; or
4. An employee's voluntary admission.

MANDATORY ADMINISTRATIVE ACTIONS. Rockaway Township may refer an employee found to be using illegal drugs or under the influence of alcohol during work hours to an assistance program, and, if the employee occupies a safety-sensitive position (such as a driver or a position with direct contact with a consumer) immediately remove the employee from that position.

RANGE OF CONSEQUENCES. Disciplinary action taken against an employee found to be using illegal drugs or alcohol may include the full range of disciplinary actions, including removal. The severity of the action chosen will depend upon the circumstances of each case, and will be consistent with this policy. Rockaway Township shall initiate disciplinary action against any employee found to use illegal drugs or alcohol.

Such action is not required for an employee who voluntarily admits to illegal drug or alcohol use and obtains counseling and rehabilitation and thereafter refrains from using illegal drugs or alcohol before ROCKAWAY TOWNSHIP has discovered such use through reasonable suspicion and/ or pre-employment drug testing.

Such disciplinary action may include the following measures but some disciplinary action must be initiated:

1. Reprimanding the employee in writing; or
2. Suspension without pay; or
3. Suspension without pay until the employee successfully completes the rehabilitation program; or
4. Removal after an appropriate hearing.

REFUSAL TO TAKE DRUG TEST WHEN REQUIRED. An employee who refuses to be tested when so required will be subject to the full range of disciplinary action, including dismissal. No applicant applying for a safety-sensitive position who refuses to be tested shall be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed refusal to drug test when required and subject the employee and/ or applicant to dismissal or refusal to extend an offer.

An employee must be terminated from employment as a result of a positive test result for illegal use of drugs or alcohol or refusal to submit to a drug test only in accordance with any procedures to which the employee is entitled under law.

VOLUNTARY REFERRAL. Rockaway Township will initiate action to discipline any employee found to use illegal drugs or alcohol in every circumstance except such discipline will not be required for an employee who:

1. Voluntarily admits his/her drug or alcohol use before Rockaway Township discovers such use;
2. Completes counseling or rehabilitation; and
3. Thereafter refrains from drug or alcohol use.

The decision whether to discipline a voluntary referral will be made by the Personnel Director and/ or Rockaway Township's Executive Director on a case-by-case basis depending upon the facts and circumstances. Although an absolute bar to discipline cannot be provided for certain positions because of their safety-sensitive nature, Rockaway Township, in determining whether to discipline, shall consider that the employee has come forward voluntarily.

REASONABLE SUSPICION TESTING

Reasonable suspicion testing may be based upon, among other things:

1. Observable phenomena, such as direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol;
2. A pattern of abnormal conduct or erratic behavior;
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
4. Information provided either by reliable or credible sources or independently corroborated; or
5. Newly discovered evidence that the employee has tampered with a previous drug test.

If an employee is suspected of using illegal drugs or alcohol, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. Such information should be recorded in the Observation Form and given to Personnel Director or, in the alternative, to the Executive Director. Thereafter, the Personnel Director or the Executive Director shall make a finding that reasonable suspicion of illegal drug or alcohol use exists before reasonable suspicion drug testing may take place. The supervisor's or observer's affidavit should include the appropriate dates and times of the reported drug related incidents, reliable/credible sources of information, rationale leading to the test, and action taken.

After a reasonable suspicion determination has been made by both the employee's supervisor and the Personnel Director or Executive Director and the supervisor has received higher level approval for drug testing, the employee in question shall be immediately referred to a drug testing facility to provide a urine sample, in the case of suspected illegal drug use, or, a breath test, in the case of suspected alcohol use.

OBTAINING THE SAMPLE. The employee may be asked to provide a urine or breath sample under observation in accordance with the criteria set forth "Test Procedures in General" herein.

APPLICANT TESTING

To maintain the high professional standards of Rockaway Township's work force and to safety, it is imperative that individuals who use illegal drugs or alcohol be screened out during the initial employment process before being placed in the employment of Rockaway Township in safety sensitive positions. This procedure will have a positive effect on reducing instances of illegal drug or alcohol use by employees in safety-sensitive positions, and will provide a safer work environment, as well as provide for safety to the public.

The Personnel Director shall direct applicants to an appropriate collection facility. The illegal drug test (urinalysis) must occur as soon after notification as possible, but no later than forty-eight (24) hours after notice to the applicant.

Applicants shall be advised of the opportunity to submit medical documentation that may support legitimate use for specific drugs and that such information will be reviewed only by the Medical Review Officer to determine whether an individual is legally using an otherwise illegal drug.

CONSEQUENCES. Rockaway Township will decline to extend a final offer of employment to any applicant with a verified positive test result and such applicant may not reapply to Rockaway Township for a period of six (6) months.

ADDITIONAL TYPES OF DRUG TESTING

ACCIDENT OR UNSAFE PRACTICE TESTING. Rockaway Township is committed to providing a safe and secure working environment. Employees involved in on-the-job accidents or who engage in unsafe on-duty job related activities that pose a danger to others or the overall operation of Rockaway Township or the safety of its consumers and employees may be subject to testing based on circumstances of accidents or unsafe acts, the appropriate authority may initiate testing when such circumstances involve a death or personal injury; or, damage to property.

FOLLOW-UP TESTING. All employees referred through administrative channels who undergo counseling or rehabilitation programs for illegal drug or alcohol use through an assistance program will be subject to unannounced testing following the completion of such program for a period of one (1) year. Such employee shall be tested randomly.

TEST PROCEDURES IN GENERAL

GUIDELINES FOR ROCKAWAY TOWNSHIP WORKPLACE DRUG TESTING. In order to ensure accuracy of drug test results, as well as a proper identification of drug testing samples, Rockaway Township shall adhere to the following guidelines regarding urinalysis and breath test procedures, trained collection personnel, quality assurance requirements, and strict confidentiality requirements.

PRIVACY. Any individual subject to testing under this plan shall be permitted to provide urine specimens in private, and in a restroom stall or similar enclosure so that the employee is not observed while providing a sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual provide a urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided.

FAILURE TO APPEAR FOR TESTING. Failure to appear for testing without a deferral will be considered refusal to participate in testing, and will subject an employee to a range of disciplinary actions, including dismissal, and will subject an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector shall contact Rockaway Township's Personnel Director to obtain guidance on the action to be taken.

POSITIVE TEST RESULTS. When a confirmed positive result has been returned by the laboratory, Medical Review Services shall review the positive result, as well as the employee medical history, other relevant biomedical factors, all medical records made available by the tested employee when a confirmed positive result test could have resulted from legally prescribed medication.

Individuals are not entitled, however, to present evidence to the Medical Review Officer in a trial type administrative proceeding, although the Medical Review has the discretion to accept evidence in any manner the Medical Review Officer deems most efficient or necessary.

OBSERVATION FORM

Employee's Name: _____

Date: _____ Time: _____

Employer/Department: _____

The above named employee was observed by me to exhibit the following problems.
(Check one or more that describe the employee's behavior)

- | | |
|-------------------------------------|---|
| _____ Drowsiness or sleepiness | _____ Unexplained change in mood |
| _____ Alcohol on the breath | _____ Lack of manual dexterity |
| _____ Slurred or incoherent speech | _____ Lack of coordination |
| _____ Unusually aggressive behavior | _____ Unexplained work-related accident or injury |
| _____ Other (describe below) | _____ Unsafe actions (describe below) |

This behavior is interfering with the employee's ability to perform his/her duties./

Supervisor's Signature

Date

Witness

Date

INFORMED CONSENT AND RELEASE OF LIABILITY DRUG OR ALCOHOL TESTING

INFORMED CONSENT AND RELEASE OF LIABILITY

I UNDERSTAND that according to the policy of ROCKAWAY TOWNSHIP of Northwest Jersey, Inc. which I have read and understand, I am required to submit a sample of my urine and or breath for chemical analysis. I understand that this analysis will be conducted by a qualified testing laboratory, [name of testing laboratory].

THE PURPOSE of this analysis is to determine the absence or presence of drugs or alcohol. I CONSENT freely and voluntarily to ROCKAWAY TOWNSHIP's request for urine and/or breath samples. I hereby release and hold harmless the Township and its employees and agents from any liability whatsoever arising from this request to furnish my samples and the testing of my samples.

I UNDERSTAND a documented chain of specimen's custody exists to ensure the identity and integrity of my specimens throughout this collection and testing process.

I am taking the following medications: (Reporting of birth control medication and doctor's diagnoses are not required.)

Name of Medication

Name of Doctor Issuing Prescription

Applicant/ Employee

Social Security Number

Signature

Date

Witness (Print Name)

Position

Witness Signature

CHAPTER X –
MANAGERIAL/SUPERVISORY
PROCEDURES

EMPLOYMENT PROCEDURE

- **RECRUITMENT:** The Business Administrator in conjunction with the Administrative Assistant to the Business Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, Civil Service and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Business Administrator who will distribute notification of the vacancy to all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law (including New Jersey Department of Personnel regulations if the position is subject to Civil Service.) Where positions are advertised, the media or other periodical utilized should have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Township is an equal opportunity employer.
- **APPLICATIONS:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **INTERVIEWS:** The Business Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights guidelines for pre-employment inquiries. The Township will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Township.
- **PHYSICAL EXAMINATIONS:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Business Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Business Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Township at the expense of the Township. All medical records of employees and prospective employees are confidential and are to be maintained by the Administrative Assistant to the Business Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- **JOB OFFERS:** The final decision will be made by the Business Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all

applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

- **ACCEPTANCES AND REJECTIONS:** Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **RECORD RETENTION:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Administrative Assistant to the Business Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

NEPOTISM PROCEDURE

Unless otherwise provided by law (or New Jersey Department of Personnel rule if the position is subject to Civil Service) or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS*

Discussions by the governing body or anybody of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. In many instances, it is advisable to allow the employee to be present in Executive Session, but it may not be mandatory. Prior to the discussion by the governing body or

anybody of the Township concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

PROCESSING AND ORIENTATION OF NEW EMPLOYEES PROCEDURE*

All new regular full-time and regular part-time employees will be scheduled to meet with the Business Administrator, Administrative Assistant to the Business Administrator and Department Head on their first day for a general orientation.

Copies of all forms and acknowledgements must be returned to the Administrative Assistant to the Business Administrator for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and acknowledgement of receipt;
- A review of the Personnel Policies and Procedures Manual if the employee IS a manager or supervisor and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSH safety training.

INITIAL EMPLOYMENT PERIOD PROCEDURE:

The Township adheres to all civil service requirements pertaining to initial employment periods and working test periods.

EMPLOYEE HANDBOOK PROCEDURE:*

The Administrative Assistant to the Business Administrator with the assistance of the Employment Attorney shall draft an Employee Handbook for the approval of the Business Administrator. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in their official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

DISCIPLINARY ACTION PROCEDURE:*

All employees are expected to meet the Township's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township's policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Township's policies and rules or to specific instructions, or has acted improperly; the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor and the Business Administrator, action may begin at any step, and/ or certain steps may be repeated or by-passed.

- **VERBAL REPRIMAND:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Administrative Assistant to the Business Administrator for the employee's official personnel file.
- **BUSINESS ADMINISTRATOR REVIEW:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Business Administrator, the employee will be so advised and a meeting arranged with the Business Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **WRITTEN REPRIMAND:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if problem is not corrected or reoccurs. The employee should acknowledge receipt of warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Administrative Assistant to the Business Administrator for the employee's official personnel file.
- **SUSPENSION:** Whenever an employee is recommended for suspension, the Business Administrator will make the decision and may seek the advice of the Employment Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure and Civil Service procedure.

- DISMISSAL: Whenever an employee is recommended for dismissal, the Business Administrator will make the decision only after seeking the advice of the Employment Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure and Civil Service procedure.

PERSONNEL FILE PROCEDURE:*

The official personnel files shall be maintained by the Administrative Assistant to the Business Administrator and employee medical information will be maintained in a separate file. At least annually, the Administrative Assistant to the Business Administrator will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

NOTE: Records relating to on-the-job accidents are considered medical records and must be kept in a separate file under the Americans with Disabilities Act.

EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE:*

Employees who believe that they have been subjected to improper or unlawful behavior, or to behavior that violates Township policies, rules or regulations, may report their complaints in accordance with the following procedure:

- REPORTING: Employees are strongly encouraged to use the Township of Rockaway Employee Complaint Form to assure prompt and effective review and investigation of their complaints.
- FORWARDING OF COMPLAINTS PRESENTED INFORMALLY: All supervisors, Department Heads, elected officials, and management personnel must report all written or verbal allegations of improper or unlawful behavior, or behavior that violates Township policies, rules or regulations, to the Township Administrator. If the allegation concerns the Township Administrator, the complaint should instead be submitted to the Mayor or, if that is not possible or feasible, to the Council President.
- HANDLING OF COMPLAINTS: Upon receipt of a complaint, the Township Administrator, Mayor, or Council President, as the case may be, shall immediately review same with employment counsel to determine the nature of the allegation and how best to conduct any investigation that may be necessary. Absent unforeseen circumstances, an investigation should be completed within thirty (30) days of receipt of the complaint.
- REMEDIAL MEASURES: Upon completion of the investigation, the Township shall implement such remedial measures as may be appropriate under the circumstances.
- CONFIDENTIALITY AND RETALIATION: The Township shall keep all information obtained by way of investigation of an employee complaint, including but not limited to the identity of the complainant, of the complained-of party and of any witnesses, confidential to the extent feasible, and to the extent consistent with thorough investigation and effective remediation. Retaliation against any complainant, witness or complained-of party shall be strictly prohibited.
- DUTY TO COOPERATE: All officials, officers and employees of the Township are expected to co-operate fully and honestly in any investigation under this policy. Any refusal to co-operate with an investigation, and any knowing providing of false information, shall result in disciplinary action against the offending party.
- ABUSE OF COMPLAINT PROCEDURE: Any person who knowingly submits false information or false allegations in a complaint, knowingly provides false information during the investigation of a complaint, or who utilizes the complaint procedure in bad faith or to unjustly harm another, will be subject to discipline.

**REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE
PROCEDURE:***

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Business Administrator. No employee may issue a reference letter without the permission of the Administrative Assistant to the Business Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, the Administrative Assistant to the Business Administrator will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Township is required to release the information by law or (2) the employee or former employee authorizes the Township in writing to furnish this information and releases the Township from liability.

CONTINUING EDUCATION PROCEDURE:*

The Township, in conjunction with the Employment Attorney will arrange for employment practices seminars at least annually to train all managerial/ supervisory personnel. The Township will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Township employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure. Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise.

EMPLOYABILITY PROOF

After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States